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Canada Royal commission on
employment of firemen on diesel
locomotives in freight and yard
service on the Canadian Pacific
railway

Proceedings

1957 no 13-15-

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**ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY**

13-5
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PROCEEDINGS



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Hon. Mr. Martineau

I N D E X

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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Wednesday,
March 20, 1957.

PRESENT:

Hon. R. L. Kellock	Chairman
Hon. C. C. McLaurin	Member
Hon. Jean Martineau	Member
Douglas M. Fraser	Secretary
A. R. Winship	Asst. Secretary

APPEARANCES:

D. W. Mundell, Q.C.	Representing the
C.J.A. Hughes, Q.C.	Commission
I. D. Sinclair,	Representing the
John Pearson	Canadian Pacific Railway Company
David Lewis, Q.C.	Representing the Brotherhood of Locomotive Firemen and Enginemen.

- - - -

Wednesday,
March 20, 1957.

THIRTEENTH DAY

MORNING SESSION

--- The Commission resumed at 10.00 a.m.

- - -

HOWARD ROSS KELLEY, recalled,

EXAMINED BY MR. SINCLAIR

Q Mr. Kelley, before adjournment I was going to ask you some questions about Calgary, but before doing so there are two or three general questions I would like to ask. Would you give your opinion on these for the benefit of the Commission.

First, for yard work which would you prefer, steam or diesel motive power?

A I would prefer diesel motive power.

Q Why?

A You get away from all steam conditions and the flexibility of diesel power is much greater than steam power for terminal work and the turn-out of power off the shop track is faster than it is with steam power.

Q How would you compare the view of the engineman from a steam engine with that of an engineman from a diesel?

A The view from the diesel engine from the engineman's point of view would be much greater than that on a steam engine. He has large windows in front and a clear view at the back of the cab which he does not have on a steam engine.

Q You said when you were describing Winnipeg, you mentioned that there was a semaphore signal on the hump. Later on you mentioned there were two humps. Is there a semaphore signal on each hump or just on the one at Winnipeg?

A No, just on the north hump.

Q Any movement being pushed to that hump, is it controlled by that semaphore signal completely?

A They are controlled by the semaphore signal, but in ~~a~~^{some} condition they are controlled by a member of the ground crew until the semaphore signal is in full view of the engineer.

Q You said you still had some steam engines --

MR. LEWIS: The semaphore signal, is that a board? I had originally thought that what was usually meant by a semaphore was something that you talked through, but this is a fixed signal.

THE CHAIRMAN: That is my understanding, that a semaphore is something on a board that moves.

BY MR. SINCLAIR:

Q Is that correct?

A That is correct.

Q What the Chairman is correct?

A Yes sir.

Q Mr. Kelley, in spotting cars or in pushing a cut do yardmen sometimes ride on top?

A Yes sir.

Q How many of them?

A There might be one or there might be three, it all depends on the length of the cut and the conditions they are pushing into.

Q For example, take a cut being pushed and an exact spotting being required by a man on top, what effect would making the exact spotting have

on the man or men riding on top?

A The man on the point car would place himself as close to the middle of the car as possible and would be subject to very little slack action, which he would be in a braced position and prepared for. The man in the middle of the cut, if there were three men on the cut, would be prepared for a certain amount of slack action which would not be near as great as the man would receive from the point. The man next to the engine would place himself within approximately four or five or six feet from the end of the car and would receive very little slack action in that position.

Q Does the placement of the men depend upon the length of the cut?

A The length of the cut? Just how would you mean that?

A Is there more or less slack action depending upon how many cars you have in the cut?

A The longer the cut the greater the slack action on the point.

BY THE CHAIRMAN:

Q So that I understand. I understood yesterday you said you would not place a man within ten feet of the end of the car?

A That was correct, but I had in mind the point car of the cut. The point car of the cut being shoved in is what I had in mind.

BY MR. SINCLAIR:

Q Is there a difference in the slack action depending upon the number of cars in a cut, was my question.

A Yes sir.

Q In answer to a question you explained that the car next to the engine being pushed -- is there slack action there?

A Very little.

Q Why?

A Because the couplings in there -- the movement of the car would be very slow with the couplings after they are made -- there is very little, I would not say more than maybe two inches spring action in between the two drawbars.

BY THE CHAIRMAN:

Q You are saying how you would place the men there, how you would locate the men in those positions. Is that something theoretical or is that something based on practice that you have seen?

A That is the practice, where we place those men.

BY MR. SINCLAIR:

Q Have you ever done it yourself?

A Place men in that position? Yes sir. We had to do it.

Q Have you ever ridden in those positions yourself?

A Yes sir.

Q Would the correct way to summarize it be that when you are pushing a cut the slack action is bunched?

A Yes sir.

Q Then when you stop the engine it holds the car that is immediately next to the engine?

A Yes sir.

Q That is why there is not much slack action on that car?

A There is not much slack action on the car next to the engine and what little slack there is on the car is bunched. It is all bunched together.

Q Now, based on your experience at Winnipeg as Assistant Superintendent and as Superintendent, would you please tell the Commission what mechanical adjustments are made on yard diesels by the firemen, if any, when a yard engine is out working?

A There are none to my knowledge.

THE CHAIRMAN: That is a diesel?

MR. SINCLAIR: Diesel, yes.

BY MR. SINCLAIR:

Q On a yard diesel, say you had a ground relay out in the yard, what would happen?

A We would call the maintainer.

THE CHAIRMAN: Has that term been explained, ground relay?

MR. SINCLAIR: We had that phrase before, and we are having a mechanical witness who is going to explain all these devices. That is one of the protective devices.

THE CHAIRMAN: What would be the result of that?

MR. SINCLAIR: The result is that it shuts down the engine.

BY MR. SINCLAIR:

Q Mr. Kelley, on the steam engines that you now have working at Winnipeg -- you said you had some yesterday?

A Steam engines, yes sir.

Q Working at the Winnipeg terminals?

A Yes sir.

Q What kind of steam engine are they, oil-fired or coal-fired?

A They are oil-fired; they are all oil burners.

Q When did you get rid of your coal-fired engines?

A We got rid of the last one approximately four months ago.

Q The steam engines that you had in Winnipeg, were they stoker-fired or hand-fired, in the yards?

A Hand-fired.

Q When you were in Calgary working there as ~~Superintendent~~ Superintendent did they have steam engines?

A Yes sir.

Q When you were working with the steam engines, what kind were they? Were they coal-fired or oil-fired?

A They were coal-fired, fired by hand. There were no stokers used in the yard.

Q When you were ^{General Yardmaster} ~~Superintendent~~ did you get some oil-fired engines?

A We had some oil-fired engines.

Q When you left in 1951 did you have any coal-fired hand-stoked steam engines in Calgary, in 1951 when you left there?

A I do not recall that we had any left there.

Q I cannot hear you.

A I do not recall that we had any there at that time.

- Q Well, now, when you were working in Calgary on the ground as a yard foreman and as foreman what kind of steam power were you working with?
- A We had what is known as the Mother Hubbard engine 6800; we had 3400's; we had 3500's, 3600's, 5700's and some 6600's.
- Q The Mother Hubbard is 6800. Mr. Chairman, it is Exhibit 32. 6600 is Exhibit 33. Did you mention 6900?
- A No, I do not think I did, but I should have. There were 6900's there as well.
- Q That is Exhibit No. 31. Now, did you ever work with this Mother Hubbard type of engine as a yardman and yard foreman in Calgary?
- A Yes.
- Q How many did you have there?
- A If I recollect right, we had three, 6828, 6809 and 6826.
- Q What assignments were they on in Calgary when you were working with them yourself?
- A The 6828 was on what we called the midnight transfer, an industrial engine.
- Q Yes?
- A The 6809 was used to some extent on what were known as the Ogden job.
- Q The other one?
- A The 6826 was a tramp engine. It was only there, if I recollect right, for a short period and then it was sent to Red Deer.

Q Now, when you were working on these various jobs with the Mother Hubbard type of engine, did you or did you not change your method of conducting switching operations?

A I did not, sir. The switching operations was carried out just the same on that engine as any other engine I worked with.

Q When that Mother Hubbard engine was on industrial work, Mr. Kelley, and there was need for communication between the fireman and the engine, could it be done?

A Very difficult to communicate between the fireman and the engineman unless they stood up in the cab and talked to the man, back across the cab either to the fireman or engineer.

Q Can you see over the boiler?

A You could if you stood up, yes.

Q Were they quiet engines?

A Well, as quiet as any steam engine when it is working.

Q Is it noisy or is it quiet?

A Well, what I mean by that is there is a certain amount of noise when you are working an engine, caused by the engine and movement around the track, a certain amount of noise goes with it.

Q Can you talk above that noise in a normal voice?

A In the engine, you mean?

Q Yes?

A I could not say; I never was in the engine and

tried to carry on conversation in them Mother Hubbards.

Q When you were working with that type of engine, Mr. Kelley, did you estimate about how much coal you would burn on that type of engine on a shift?

A As far as I can recollect it would run around between 7 and 9 tons.

Q Each eight hours?

A Each eight-hour shift, depending upon the heaviness of the work the engine was doing.

Q In using these Mother Hubbards or other types of steam engine that you have mentioned, were you able to carry out your switching work expeditiously, or were you not?

A Had no difficulty in carrying out our work in an expeditious and safe manner.

Q When you were working in Calgary for the many years you were working there, would you please tell the Commission how signals were relayed from the ground to the engine; that is, from whom to whom?

A Signals are relayed to the engineer from the foreman to the field man, to the engine follower, who in turn relays them to the engineer.

Q When you worked in Calgary, Mr. Kelley, or anywhere that you supervised in Calgary, was there, in your opinion, any location there where it was necessary to use the fireman as a signal passer?

A No, sir, I do not recollect using the fireman or seeing him being used as a signal passer while I was in Calgary.

Q Your answer would cover your industrial work as well as your straight yard work?

A Yes, sir.

Q Now, would you please explain to the Commission how humping is done at Calgary, what kind of signals are used on the hump at Calgary?

A Semaphore signals, as was explained, boards.

Q You said "signals". Are there one or two?

A There is four lights on this signal mast which can be put into different series of signals to bring trains to the hump.

BY THE CHAIRMAN:

Q They are electric?

A They are electric, yes, sir; and the procedure we had there --

BY MR. SINCLAIR:

Q The procedure you had there --

A The procedure we had there -- there was two hump engines, and we had one set of signals on this board for what we called the hump engine that was the superior engine; that is, it is not superior to the other one but we had to give it a name of some sort. The other one was assistant hump engine. When the hump engine went around the track in the receiving yard to push to the hump after he had coupled on to the track and

stretched it -- what we mean by that is ~~pushing~~ ^{pulling} it back to see if the couplings are all made, then the foreman in this crew was on the hump. He gave the necessary signals to bring the train to the hump. The engineer did not take that signal until he received a signal from the engine follower who was placed near the engine from the man, field man, on the point of the train.

Q Why did they do that?

A To preclude any possibility of anyone coming out foul and occupying the lead after the signal was given to bring the train to the hump.

Q That is a manual hump?

A That is a manual hump, yes, sir.

Q In Calgary on these hump jobs, I think you explained yesterday that there were hump riders. Did they or did they not employ switch tenders?

A They employed hump riders and switch tenders.

Q Based on your experience, Mr. Kelley, in Calgary, in your opinion, if the firemen were removed from yard diesels, what if any effect would it have on safety of operations in Calgary terminals?

A Have no effect whatsoever as far as I can see. Ground crew would be placed in a position to take care of any safety measures necessary.

Q What about the operation -- what about the efficiency of your operations in Calgary terminals? Would you have to have more

assignments if firemen were not on yard diesels?

A No, we would not.

Q Now, Mr. Kelley, you explained to the Commission you have spent some 43 years in yard work. Did you in those 43 years ever have, or were you ever around, when there was a case of an engineer suffering a blackout or a seizure when operating a yard locomotive?

A No, sir, to my recollection, no, sir.

Q Did you ever hear of one?

A I never heard of only one which I believe Mr. Shepp mentioned took place in Vancouver.

Q Based upon your experience, Mr. Kelley, in Winnipeg and at Calgary where it has taken place, do you think that equipping yard diesels with dual controls would be of assistance if firemen were removed?

A No necessity to equip engines with dual controls as long as the ground crews are in their proper position.

Q Based on your experience in yard work, if firemen were removed from the diesels what is your opinion as to the need for a deadman control on yard diesels?

A I do not think it is necessary.

Q Now, Mr. Kelley, at my request you made some observations. I have here a summary of the observations you made, entitled "Summary of

Observations made by Superintendent H. Kelley of work performed by firemen during preparatory inspection. Winnipeg Terminal."

THE CHAIRMAN: Exhibit No. 69.

EXHIBIT No. 69 -- Summary of observations made by Superintendent H. Kelley of work performed by firemen during preparatory inspection period, Winnipeg terminal.

BY MR. SINCLAIR:

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Q Is there any particular comment that you wish to make on this exhibit? Were these observations made by you personally?

A They were.

Q You were right on the ground and you timed these operations?

A Yes, sir.

Q Is there any comment you wish to make on them?

A The one made on February 5 --

Q That is the preparatory, not the final inspection, Exhibit 69. Looking at Exhibit No. 69, is there any comment that you wish to make on that one?

A I checked these engines on February 25 and the engine, 7084, diesel, on shop track.

Q That is all here?

A Yes.

Q Is there any particular comment you wish to make? Does this set out all the work that you saw performed?

A This sets out all the work I saw performed.

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Q Would you say these were representative of the type of work, if any, performed by firemen in the preparatory time on yard diesels at Winnipeg terminals?

A To the best of my knowledge it is.

Q Have you made other checks than these from time to time?

A Yes sir, during my tour of duty about the terminal.

BY THE CHAIRMAN:

Q What does the dash mean in the third last column where it appears in two places? Does it mean ditto or does it mean nothing?

A That means there was no work performed of any description.

Q And the shutters, are they the doors that are alongside the engine that you see into the motor?

A Yes, shutters.

Q They have been called windows in other exhibits.

HON.MR.McLAURIN: Doors

THE CHAIRMAN: Doors.

MR.SINCLAIR: I do not think the witness means that.

THE CHAIRMAN: Then, will you find out what they are.

THE WITNESS: There are shutters, as I understand it, for the cooling system on these engines that can be opened or closed.

BY THE CHAIRMAN:

Q Where are they?

A They are on the engine part of diesel on the side close to the front.

Q And what about the doors on a diesel?

A The doors -- I believe they open them along the side of the engine to look inside.

BY MR. SINCLAIR:

Q At my request you also made some checks and observations of work performed, if any, by firemen during the final inspection period.

THE CHAIRMAN: Exhibit 70.

EXHIBIT No.70: Summary of observations made by superintendent H.R.Kelley of work performed by firemen during final inspection period, Winnipeg terminals

MR. SINCLAIR: This is a summary of observations made by superintendent H.R. Kelley of the work performed during final inspection period.

BY MR. SINCLAIR:

Q Have you got that one in your hand? Did you make these observations personally also, Mr. Kelley?

A I did, sir.

Q Based on your work in the yard have you ever made checks of the final inspection work, if any, done by firemen at other times?

A I have frequently checked firemen when they come on the shop track, the duties that they done, on my regular inspections around the terminal.

Q And the ones that you have recorded here on Exhibit 70 in this special check, are they representative of what you have observed?

A As far as I know, yes sir.

MR. SINCLAIR: Maybe I could summarize these for the Commission as I have on one or two other occasions. Taking the first one, February 5, the time the fireman was on the engine after the locomotive reached the shop or change-off track was three minutes. From the time the locomotive stopped until the end of the time paid for is 43 minutes.

Then the next one is three minutes, and the time paid for after the locomotives stopped is 30 minutes. The next one is nil and the time paid for is 40 minutes. The next one, diesel 7015, the time that the fireman was on the engine was three minutes and the time paid for after the engine stopped was 40 minutes.

The next one is diesel 7015 also, a different shift. The time the fireman was on the engine after it stopped was nil and the time paid for was 50 minutes. The next one is three minutes and the time paid for after the locomotive stopped is 35 minutes. In the next one the fireman was on the locomotive two minutes and the time paid for was 45 minutes. The situation is exactly the same in the next case, diesel 7081. The next one is exactly the same, two minutes for the time the fireman was on the engine and 45 minutes paid for after the locomotive stopped. The next one is two minutes and 38 minutes after the locomotive stopped for which the fireman was

being paid. The next one is two minutes that the fireman was on the locomotive and the time paid for after it stopped is 25 minutes. In the next one the fireman was on the engine for five minutes and the time paid for after it stopped was 15 minutes.

The next one is a road freight movement. It arrived on the shop track at 5.45 a.m. and the fireman was off the locomotive at 5.48 a.m., three minutes. In this case the final inspection period is 15 minutes, as set out in Exhibit 5. In every other case, as Exhibit 5 shows, the final inspection period on a yard diesel is 10 minutes.

BY MR. SINCLAIR:

Q Have you any special comment that you wish to make on Exhibit 70, Mr. Kelly, or does that set it out?

A That sets it out as the information was taken by me on the shop track.

Q Now, Mr.Kelley, I also asked you to make certain personal observations by riding diesels. This is a record of observations made by Mr. Kelley.

THE CHAIRMAN: Exhibit 71.

EXHIBIT No.71: Record of observations
of actions of firemen
in yard diesels during
switching operations.

MR. SINCLAIR: There are three observations.

BY MR. SINCLAIR:

Q Mr.Kelley, I think I should tell the Commission that I asked you to see if you could make ten observations for the Commission and I think you should say why you only got three done.

A Due to the fact that I had one of my assistants off sick in the first part of February and the pressure of other work in the terminal I was only able to complete these three tests which we have here.

THE CHAIRMAN: Before you deal with Exhibit 71, may I go back to Exhibit 70 for a moment to refresh my mind. The last item is a road freight movement. The engine arrived on the shop track at 5.45 and the fireman left at 5.48. Was 5.45, the time when the engine got to the shop track, within the fireman's shift time.

MR. SINCLAIR: This is a road freight operation, sir. This is a road crew coming in and they do not work on shifts.

THE CHAIRMAN: Oh yes.

MR. SINCLAIR: So there would be no shift time unless his run had exceeded eight hours at 12 miles an hour.

THE CHAIRMAN: Very well. Then, the engine got to the shop track at 5.45 and at that time the arbitrary allowance of 15 minutes began to run.

MR.SINCLAIR: Yes.

THE CHAIRMAN: Is that right?

MR. SINCLAIR: Yes.

THE CHAIRMAN: And while he did nothing according to this exhibit he used up three minutes of that time and you say he was paid for 15 minutes.

MR. SINCLAIR: That is right and, of course, as we explained earlier this man would walk to the normal booking-in place.

THE CHAIRMAN: When I said "nothing" I meant nothing on the engine as far as this exhibit is concerned.

MR. SINCLAIR: This is the type of case, sir, where final terminal delay applies and then the engine goes to the shop track and on top of that the final inspection arbitrary then starts.

THE CHAIRMAN: All right. Then, we are at Exhibit 71.

BY MR. SINCLAIR:

Q Just looking at No.1 on Exhibit 71, Mr. Kelley, would you just comment on that for the Commission, please? What kind of move was it?

A This was a movement from Winnipeg station or depot with ten cars taken by the depot engine to Whittier junction to go around the Y.

Q Passenger cars?

A Passenger cars and back into the station tracks.

Q Yes?

A I got on to the engine at 8.20 p.m. when they left the station to go around the Y and all signals from the time that we left the station were given on the engineer's side by the ground crew. This movement entails a movement with

the engine leading out on the north leg of the Y. Then the movement is backed up with the cars being pushed by the engine south on to the southeast leg of the Y, and then the movement is headed by the engine back into the station on the south leg of the Y.

Q Then, after it got to the station did it go to the coach yard?

A They pulled these cars into the depot track and spotted them for steam. All signals were given on the engineer's side.

Q They spotted them for steam?

A They pull them in and they spot the cars so they can connect them up with the steam so they do not freeze up. They have a steam plant in the depot so they pull them in and connect up the steam to keep the cars from freezing.

Q What happened with this engine after that?

A He went to the coach yard, picked up two cars and made two moves with two other cars and the signals were all passed on the engineer's side by the ground crew. They brought these two cars to the station and shoved them into track No.6, and I left the engine at 10.45.

Q Were you on the engine from 8.20 until 10.45?

A I was on the engine from 8.20 p.m. until 10.45.

Q Looking at item (b) would you just read that to the commission and make your comment?

A Item (b), fireman "did not call to engineman any conditions on left side of engine although

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movement made over two public crossings."

Q Mr. Kelley, why did you comment on the fact that the movement was made over two public crossings?

A Because through various sources of information and talk I had heard that they should call "all clear" when they went over a crossing, that the fireman should give the engineer some indication.

Q Who was saying that?

A But I did not think that was necessary.

Q Who was saying that? You heard some talk?

A Well, just general talk around. I could not say offhand who was saying that. I don't recollect just who I heard it from.

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Q And so you ~~made~~ this observation of this move to see what they did?

A I made this move to see whether the rumour I heard was being carried out.

Q I thought you said earlier in commenting on it that you did not think that was necessary for the fireman to call going over the crossing?

A No sir.

Q Why, Mr. Kelley?

A Because the movement was adequately protected by the engineer when he pulled over the crossing with the engine leading.

Q Now, Item (c) -- nil. Item (d)?

A The fireman sat on the seat box observing in the direction of the movement and exchanged aspects of interlocking signals with engineer; called the aspect to the signal; he acknowledged it.

Q Why did he do that?

THE CHAIRMAN: I do not understand that.

BY MR. LEWIS:

Q What kind of aspect signal are you talking about? You said this was a move out to Whittier?

A Yes.

Q Perhaps I made lead for a moment because there will be no dispute here. Whittier is east of the station at Winnipeg and you go out on the main line?

A It is on the main line and the trackage is

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controlled from the station by interlocking signals from the Whittier tower.

Q And are these ~~mass~~^{mast} signals?

A The first one, the approach signal to the home signal, is what is known as a dwarf signal. It is a ~~low~~ signal approximately three feet high from the ground. The other signal, the home signal eastbound or eastwards is a high signal.

THE CHAIRMAN: But what did they do?

That is the part I do not understand.

BY MR. SINCLAIR:

Q What took place between the fireman and the engineer?

A The engineer when he reached the approach signal or the first signal said, "yellow board" and the fireman repeated "yellow board". The same thing applied at the other signals, as they reached home -- whether they were red, yellow or green.

Q Why did they do that, Mr. Kelley?

A There is a rule in the book that engineers --

MR. SINCLAIR: I will turn it up for the Commission, if I may.

BY HON.MR.McLAURIN:

Q Did you say, "yellow board; red board", too.

A Did I say that?

Q Yes?

A No, I did not, sir.



MR. SINCLAIR: It is Exhibit 27, rule 34, at page 37. Perhaps I may read it, Mr. Chairman:

"Crews on engines and snowplow foremen must know the indication of six signals (including switches where practicable) and members of train crews must know the indication of train order signals affecting their train before passing them."

We will be dealing with train order signals, sir, when we come to our evidence concerning road operations. The rule continues:

"All members of engine and train crews must, when practicable, communicate to each other by its name the indication of each signal affecting the movement of their train or engine."

Is that the rule you had in mind, Mr. Kelley?

A That is the rule I had in mind, sir.

Q You said that you got off the engine at 10.45 and then what did you do?

A I got in my automobile and drove to the shop track to check the engine when it arrived at the shop track.

Q And your observation of that is included under the heading "describe final inspection duties performed, if any"?

A Yes.

Q Is there anything you want to add on that point?



A Yes.

Q Is there anything you want to add on that point?

A No, I think it is pretty well outlined in the exhibit.

Q I notice it says that the fireman did not set the handbrake?

A On the final inspection he did not set the handbrake.

Q Does he usually do that?

A I have observed some firemen setting handbrakes.

Q All right, let us consider No.2.

What is the move here. This is page 2 of Exhibit 71?

A I was not at the shop track when the engine came to work. I arrived at St.Boniface and got on the engine at 6.25. This was a light engine movement from St. Boniface coming cab first to Winnipeg for the purpose of picking up seven cars of stock and returning to St.Boniface.

By HON. MR.McLAURIN:

Q Livestock?

A Yes sir.

BY MR. SINCLAIR:

Q You said you were coming over from St.Boniface to Winnipeg, light. You said it was a light engine, cab first?

A Cab first, yes sir.

Q Where were the ground crew riding?

A In the cab of the engine.

H.R.Kelley

Q That would mean how many men were in the cab?

A Six, including myself.

Q Yes? Just complete the move, if you would.

A They came into the Winnipeg terminal and went into track No.N-22 and coupled on to seven cars of stock which were on the road end of a train. The field man went back and the engine follower stayed at the engine. When the field man got to the rear of the cars that he wanted he uncoupled them and gave the signal to the engine follower, and the engineer to go ahead.

The movement proceeded down the lead. Under item (a) all the signals were given direct to the engineman by the ground crew. Under item (b) the engine follower was on the front of the engine and when proceeding down the lead to come back towards St. Boniface he stopped the engine by a signal from the front of the engine on the side steps, to get off and line the switch which was against his route.

THE CHAIRMAN: Against his what?

THE WITNESS: His route. That is what we call it; going from one point to another. He stepped over the engineer's side and gave the engineer the signal to proceed. When he arrived at Princess Street where the movement was under the control of switch tenders the engine follower got up in the cab of the engine and road to St. Boniface in the

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cab of the engine.

BY MR. SINCLAIR: Going back to item (b),
would you read the last two lines of your notes.

A Firemen called engineman's attention to
switch not lined. The engine follower lined
switch and gave signal to engineer.

Q Now, Mr. Kelley in your opinion would this call
of the fireman add to the safety of the movement?

A Not in my opinion, no, it would not.

Q Why?

A The ground crew was on the leading part of the
engine on the engineer's side and the switch
was in full view of the engine follower who gave
the engineer the stop signal.

Q You said that the engine follower crossed in
front of the engine, brought the switch and then
came back on to the right side to give the
engineer the proceed signal?

A That is correct sir.

Q And was it when he was making that movement
that the fireman gave the all clear signal?

MR. LEWIS: No.

THE CHAIRMAN: The report does not say that.

MR. SINCLAIR: I am asking him, sir.

THE CHAIRMAN: You might ask him what he did,
if anything.

MR. LEWIS: My friend knows better than that.

MR. SINCLAIR: Very well, in view of my
friend's objection, I will withdraw the question.

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THE WITNESS: Under item (d) the fireman was on the seat box looking in the direction of the movement.

BY MR. SINCLAIR:

Q Now, how long were you on this engine?

A I was on this engine from 6.25 a.m. to 7.20 a.m.

Q This shift was from 12 midnight to 8.00 a.m.?

A Yes sir.

Q And it came to the shop track or the change-off point rather, at 7.20 and you recorded what took place on that engine after it arrived at the shop?

A Yes sir.

Q You rode it right into the shop track?

A No sir, I rode it down to the end of the platform where they entered the shop track.

Q Did you get off there?

A Yes, the engine went into the shop track and stopped in full view of what took place when the engine crew got off the engine. The fireman set the hand brake in this case on the engine before he got off.

Q Did he do anything else?

A Not that I could see.

Q All right let us take No.3 on Exhibit 71. What kind of move was it?

A This was a movement from Winnipeg to the C.N.R. transfer at Paddington involving the hauling of 70 cars, 17 of which were set off

at St.Boniface or Marion street into what is called S-34, a siding at that point. All the signals were given on the engineer's side during the setting off of these 17 cars at Marion street. First, the operation of the train -- not the train but the yard movement -- was brought to a stop at Princess street -- or rather at Marion street; excuse me -- and the engine follower walked out to the crossing while he was waiting for the foreman to make the cut behind the 17 cars. After the pin was pulled the foreman gave the proceed signal to the fieldman or rather the engine follower and the engine follower relayed it to the engineer or engineman.

Q Where was the engine follower, behind or ahead of the movement?

A Ahead of the movement standing at the crossing. The switch is just north of the crossing.

Q And he relayed it back?

A Yes, he relayed it back to the engineer. The movement was made over the crossing and the cars set off.

The engine went back on to the mail line and coupled up for a further movement to Paddinton with the balance of the cars. All these moves were made by the ^{ground} crew foreman and the engine follower on the engineer's side.

Q Look at item (b) and comment on it, please. This is on page 3 of exhibit 71.

A Item (b). The fireman called the engineman's

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attention that traffic "all clear" when going over crossings. Members of ground crew was flagging crossing on engineman's side.

Q In your opinion, Mr. Kelley, does that observation of the fireman add to the safety of the movement?

A No, in my opinion it does not as the movement over the crossing was adequately protected by a member of the ground crew who was already on the crossing before the movement reached the crossing.

Q Read item (d) please?

A Item (d): Fireman observed conditions in direction of his movement and called "all clear" at main line crossings but member of ground crew was riding leading end of the engine at the time. That was the Marion Street crossing. The fireman exchanged all signal aspects with engineman that called to him.

Q That has reference to Rule 34?

A It has reference to Rule 34 on page 37.

Q How long were you on this engine?

A From 9.35 p.m. until 11.00 p.m.

Q After that what did you do?

A I got off the engine as it proceeded back to the change-off point. At the station I got into my car and drove to the change-off point to check the engine on the shop track.

Q What took place on the shop track, is that what you were about to say?

A To check what took place on the shop track. The engineman and the fireman got off without making any inspections I could see. They just got off the engine and went.

Q **Based** on your observations in the Winnipeg terminal **over** the last six years, could you tell the Commission if what is recorded in these observations would or would not be typical of what would go on at that terminal in connection with yard diesels in the various moves there?

A From my observations on my tour of duty around the terminal, this is typical of what takes place on the arrival of engines at the shop tracks, or the change-off points, rather.

Q What about the movements, would it be typical of movements on the engines during switching operations, what you have recorded there?

A That would be typical of the movements, yes.

MR. SINCLAIR: Please answer my friend.

--- Recess.

H.R. KELLEY, Recalled

EXAMINED BY MR. LEWIS:

Q Mr. Kelley, yesterday you told us that you had two assignments in Winnipeg where you used a ground crew of four instead of three?

A That is correct.

Q I may have missed it, but I did hear you explain why you used a ground crew of four in B yard but I do not recall your telling us why you used a ground crew of four in the Winnipeg freight shed, which was the other place you mentioned?

A I mentioned that but I did not clarify it.

Q Would you do so?

A The reason for the four men in the Winnipeg freight shed is for the purpose of making out lists for our hauling crew which, as we call it, is working against time. The meaning of that is that we have very little time from the time these cars are assembled in the freight shed to get them to our fast train leaving the terminal, and this fourth man is put on to assist in the handling of the cars, making the couplings and making out switching lists which he hands to this crew that comes down from the

Rugby yard to pick up these cars to take them back to the main train yard.

Q I think you told us that normally the engine follower is the new man, or was it the most junior man on the ground crew?

A Well, the most junior man on the ground crew, it is up to the discretion of the foreman where he places him.

Q Would you say that normally he places him in the position of the engine follower?

A Normally he places him in that position.

Q I suppose the reason for that is that he gets more training at the head?

A Well, he gets training there and he gets his education in the way signals are handed or passed to him from the foreman.

Q That takes me to the statement about training that you give this yardman. I think you said you had a safety instructor who did that, is that right?

A We have a safety instructor, that is right, correct.

Q Who gives the yardman training?

A They take the new man out and give him training on how to pass signals. That is the first training he gets in how to pass signals and carry on his work.

Q Suppose you go back a little. Where do you get this yardman that you are now training? Where does he come from?

A The yardman is hired through our employment agency.

Q He is hired on as a yardman?

A Hired on as a yardman, yes sir.

Q When do you give him this training?

A While he is taking what we call student trips and writing his rules.

Q Does he do that before he goes out with the crew?

A He gets this training before he goes out with the crew.

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Q How long is that?

A The training sometimes two to three days, sometimes four days, depending on the way that the safety agent figures that this man has been able to pick up the necessary instructions which would help him in his job as a switchman.

Q And then after these two, three or four days he goes out with the crew and is usually put on as an engine follower; that is right, is it not?

A Usually, yes; there are exceptions to that, cases --

Q Yes, of course. This safety agent who gives him instructions, what is his background?

A He was the yardman in Winnipeg terminal.

Q He was the yardman?

A The yardman. I do not know whether he was an engine follower or a field man; he was put on to that position before I came to Winnipeg,

on to this safety agent's position.

Q Are my instructions right that he was a man who had some unfortunate accident and was put on this job?

A That is correct, yes.

BY THE CHAIRMAN:

Q How long does the man involved stay on that job before he is moved to another position, normally?

A He normally stays there until he acquires seniority. They all work on a seniority basis, until he can hold some other job; possibly he could hold the field man's position on some other job.

BY MR. LEWIS:

Q Is this training that you are talking about, Mr. Kelley, given in all cases to the yardman, or are there exceptions to that?

A All cases to my knowledge these men receive this training before they go, before they are allowed to go out to work.

Q Do you know enough about the training which foremen receive in the Winnipeg terminal? First of all, where does he usually come from?

A I am not prepared to give that as authentic information, but I believe he comes from the shop staff as wiper or hostler, I am not sure which.

Q Then you give him some training, do you not?

- A The training, I believe he goes in road service for possibly three trial trips, and if he is o.k.'d by the engineman he goes out with I believe then he is placed on the spare board.
- Q He does not go out with one engineman on all of the three trips, he goes out with --
- A As far as I know he goes with a different engine.
- Q Each trip?
- A Yes.
- Q And each one of these enginemen trains him and gives a report on him; right?
- A That is correct as far as I know, sir.
- Q Then he writes the rules examinations?
- A Oh, yes, sir.
- Q Do you know how long, or do you suggest you would not know -- if you do not know, all right -- do you know how long he might have been a wiper or hostler before he is promoted?
- A I would be unable to say that, sir, unless I saw his record.
- Q Right. Now, Mr. Sinclair asked you yesterday who would be more qualified, if I understood the question correctly, to express an opinion about switching, the engineer or somebody else, and I think you said it would be the yard-
who
master or the yard foreman/would be qualified to express an opinion; is that right?
- A That is right, sir.

- Q You are not suggesting that an engineer working in yard service for some time needs to know nothing about the switching operations?
- A Oh, I did not imply or intend to imply that at all, sir.
- Q No. As a matter of fact, of course, he learns about the switching operations, and the more he learns the better he is for the work?
- A How efficient he is with the crew he is working with, yes, sir.
- Q He would know quite a bit about that would he not?
- A Well, he would know quite a bit about his work as far as receiving the signals and handling the engine and possibly some particular job that he is on and spotting and setting up different spurs.
- Q I suppose you know the background of all your yardmasters in Winnipeg? When I say "background" I mean background of service?
- A Partly, of most of them, yes, sir.
- Q I mean background of service with the company. Would all of them have had any yard experience before they were appointed to yardmaster?
- A By experience you mean what?
- Q Switching experience?
- A I presume it has reference to switching.
- Q Yes?
- A They do not all have switching experience before they are promoted to yardmasters.

Q You could even promote a man to yardmaster who has done no more than clerical work in the yard office?

A On some occasions, yes, sir.

Q He might have been a crew clerk, as I understand you call them, a man who sets up the crews?

A We have had one, yes, sir.

Q You have one yardmaster like that now?

A Yes, sir.

Q How qualified would he be to express an opinion on switching operations when he is made yardmaster in view of that background?

A Before he reached the status of crew clerk he would acquire a certain amount of knowledge as possibly a checker or a train clerk in making up switching lists for yard foremen.

Q His knowledge would be in making up the switches?

A In making up the switches, yes, sir.

Q You referred a moment ago to the lack of time you get on the freight job and therefore required the fourth man to make the switch lists, and so on?

A Yes, sir.

Q That pressure of time is quite common in what my advisers have taught me to call the train yard itself, is it not, the yard where you break up and marshal trains?

A I would not say that the pressure is too great in that area, symbol trains, we have to get them made up as expeditiously as possible in order to get them out at the scheduled time.

Q Scheduled time?

A Yes.

Q In the case of those symbol trains you will have 20 minutes or 40 minutes, whatever the time may be, to set them up?

A Yes, whatever the time is allotted to set them up.

Q Is it true, Mr. Kelley, that in those situations one of your ground crew is frequently busy away from the signal giving and the actual switching operations?

A Not to my knowledge, sir.

Q Not to your knowledge?

A No, sir.

Q You do not know of any occasions when one of the ground crew will be busy bleeding off the air off each car after the train has arrived?

A No, sir, I do not, sir.

Q When is that done?

A That is done by the man assigned to that particular work.

Q And he does that work on every train in Winnipeg that comes in?

A Yes.

Q None of the ground crew of three does it?

A Not to my knowledge, sir.

Q What do you mean by "not to my knowledge"?
After all, you are the superintendent?

A I have never seen any of the yard crew that is
handling this train bleeding the cars off.

Q You have never seen it?

A I have never seen it, no, sir.

Q You observe operations very often?

A I have been around the yard and observed the
operations quite frequently, yes, sir.

Q Have you never seen any one of the ground crew
ever at any time checking the cars according
to his switching lists, cars that have to be
doubled on another track? You have never
seen that?

A I just do not -- would you qualify the question,
or clarify it a little?

Q Maybe I have not put it so [that you can
understand it. If I understand it correctly,
suppose you had to couple up two tracks -- I
think that is the term you use?

A Yes, sir.

Q Some cars on one track and some cars on
another, all to the same train?

A Yes, sir.

Q Have you never seen one of the ground crew
over on the other track checking cars according
to his switching list while the remaining
ground crew and the engine crew were doing the

work on the first track? You have never seen that?

A It might be some occasions, but it ~~has~~ not come to my notice.

Q It has not come to your notice?

A No, sir, I have never seen that action taking place.

Q If I tell you, Mr. Kelley, that I am instructed that it is the normal way in which these things are done in the train yard, what would you say to that?

A Not done normally that way to my knowledge, sir.

BY THE CHAIRMAN:

Q What is the accepted practice as to how the thing should be done?

A The accepted practice, sir, the way it should be done, is for the engine follower to take the engine to the track he is going to pick up on, and in our classification yard here -- not here, but in Winnipeg -- the tracks are relatively straight. He would let the engine couple to it and switch that lead the way it should be done while the foreman and the field man come back and get what cars that they want to double over to this next track, sir.

Q The illustration being put to you, as I understand it, is that while the movement is taking place on one track, with the engine --

A Yes, sir.

Q -- which is designed to couple up with cars

standing on another track, one of the ground crew was not with his fellows at the track where the movement is taking place but is over at the other track checking the cars over there. I am just asking you whether there is any accepted practice as to how it should be done, any understanding of how it should be done, whether the ground crew stays together on the track where the movement actually takes place?

A As far as I know the ground crew stay together until they couple up the one track and then go to the next track.

Q You said that is what they are expected to do?

A Yes, sir.

Q That is their duty?

A Yes, sir.

BY HON. MR. McLAURIN:

Q The yard foreman has a list of cars involved?

A For himself, yes, sir.

Q Who else would have it?

A Well, you mentioned, sir, a list. In our fast freights he might only have the number of the car farthest from his engine, just the one number. He would have a slip of paper saying, "I want that number and everything east of it for this train."

Q That would be a symbol train?

A Yes.

Q Upon the work done before?

A Upon the work done before, yes, sir.

BY MR. LEWIS:

Q He checks the cars off the switch list, does he not, before he couples them up. He gets the actual list?

A No, the foreman does not have the actual list. When we are making up a symbol train or trains like that, the yardmaster knows the cars that are in these tracks, and as I explained to the Commission, he would say to the yard foreman, "Go into this track and get car No. such-and-such and bring everything east of it out." The yard foreman that goes in that track knows he is going in there for that car number. He walks back until he comes to this car number, then he gets that, brings it out and couples it up on the train that is going out.

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Q Is he given the number of cars that are involved or just the number of the last car?

A In some cases he is given the number and in some cases he is told to get 15 cars or whatever the number might be.

BY THE CHAIRMAN:

Q Would you ever have a case of this kind where two of ground crew would be sufficient to pass signals to the engineer? I have in mind where there may not be too many cars and under those circumstances would you ever have a case where the foreman who was in charge would send, we will say, the surplus man who is not necessary over some place to do something else?

A He might send a man to the next track or something if he was going to pull a track or something like that to get the handbrakes or something off of that track while he was coupling up this particular track, as you say, if the cars are only a few and if that does not obstruct the signals being given direct to the engineer by two men. There are cases where they do that.

BY MR. LEWIS:

Q You do agree that there may be cases, that there are cases where one of the ground crew might go somewhere else?

A That one member of the ground crew might be some place else doing another job on an

1870-1871

1871-1872

1872-1873

1873-1874

1874-1875

1875-1876

1876-1877

1877-1878

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1881-1882

1882-1883

1883-1884

1884-1885

1885-1886

1886-1887

1887-1888

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Q adjacent track if the signals to the engineer are not obstructed and can be quite easily handled by two men.

Q All I was after was to establish whether in your experience the ground crew of three is not always functioning together and your answer is there are cases?

A There are cases that they do not, yes sir.

Q And there are cases also are there not where the yard foreman might be called away to the yardmaster's office for something? Something has occurred and they have decided to hook another car on from somewhere else or to take one off the list he has been given? That sort of thing occurs?

A That occurs, yes sir.

BY THE CHAIRMAN:

Q Just to clear that up, while he is away would a movement take place on the track that he left?

A That would depend, sir, on the circumstances. He might tell this crew, "You wait right there until I get this information."

BY MR. LEWIS:

Q Or he might not?

A Well, as I say, it all depends on the circumstances surrounding the particular location.

Q You said yesterday, if I heard you correctly, and I have not seen any transcript so you

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correct me if I am wrong, that there is some kind of rule about yard speed being from one mile to six miles. Did I understand you to say that?

A I do not recollect saying that there was a rule that it would be one mile to six miles. I said our switching speed we kept to between one and six miles.

Q Mr. Kelley, I have a feeling there must be such a rule because we were told that by Mr. Shepp for Vancouver and Calgary, precisely those numbers, one to six, and we were told it by Mr. Johnson, I think, for St.Luc yard and we were told it by Mr. Lefrancois for the Montreal yards and we are now told it by you. Surely there must be some kind of system instruction about it. Is there?

A There is no rule that I know of that tells that the switching speed will be between one and six miles an hour.

Q And therefore it is sheer coincidence that all of you people in charge of the various terminals from coast to coast have the same switching speed of one to six miles? That is pure coincidence?

A No, I would not say that, sir.

BY THE CHAIRMAN:

Q How does it come about?

A It is a directive from the management that the switching speed for safe handling of freight and equipment should be kept to between one and

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six miles an hour to avoid heavy impact to the lading in cars.

BY MR. LEWIS:

Q That is what I was asking you, a rule or instruction. You say now there is an instruction from management regarding that speed?

A Yes sir.

Q And that has been given system wide? Is that right?

A As far as I know, yes sir.

THE CHAIRMAN: I suppose a rule means the red book.

MR. LEWIS: Well, yes. I think the word "rule" was used yesterday. At least I have it in my notes and that is why I used it in asking about it.

BY MR. LEWIS:

Q Now, did I understand you correctly -- before I follow up this question I want to be sure I did understand you correctly -- to say that in your 42 or 43 years experience you could not recall a yardman falling off the top of a during a switching move? You could only recall one hump rider who fell off because of some defect in the brake chain. Was that right?

A That is correct.

Q That is what you said?

A That is what I said, sir.



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Q You were in Calgary until June, 1951, were you not?

A Yes sir.

Q I am instructed, Mr. Kelley, that a yardman called Stan Wood was thrown off a car -- I am instructed he was not a hump rider -- at the hump just about eight or nine years ago while you were in Calgary. Do you remember a case like that, Stan Wood?

A I do not recollect it. I recollect after I left there he developed some kind of injury.

Q Oh, this happened after you left there?

A I don't know what his injury was but I heard a rumour that he had been injured. How he got injured I don't know.

Q That was after June, 1951?

A After I left Calgary, after 1951, yes sir.

Q All right. Apparently the time I was given is wrong. Then I was given the name of a Mr. S.T. Trewatha, and I am instructed that he was thrown off the top of a car and killed in 1929 at No.7 switch. You were around Calgary in 1929?

A I was sir.

Q Do you remember that case?

A At No. what switch?

Q No.7 switch, if I got it correctly over the long distance telephone. I may not have got the location quite correct. Do you recall this man, Trewatha, who was killed?

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A I recall yardman Trewatha but I cannot recall just how the man was killed. I recall the man quite well.

Q You recall him being killed but you cannot recall --

A I cannot recall how he was killed, no sir.

Q Then, of the hump riders, of whom you recall only one, I am instructed there was a hump rider, Murray, who was killed by falling off a car in 1940 in the Calgary yard. Do you remember that?

A Murray?

Q Yes.

HON. MR.MARTINEAU:

Q In what year?

MR. LEWIS: 1940.

THE WITNESS: I do not recall a yardman by that name.

BY MR. LEWIS:

Q You do not?

A I do not.

Q A hump rider -- that is a yardman, I suppose?

A Yes, they call him a yardman.

Q And another hump rider, I am instructed, who fell off a car and was killed was a man called Hardy in 1949. Do you remember that?

A I remember a man, a yardman named Hardy, yes, but I cannot recall how he was killed right now. I cannot recall that. I remember the name quite well.

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Q Then I am instructed that a man called J.S. Robinson, also a hump rider, fell off a car and was killed in 1951. They w could not tell me whether it was before June or after June so I cannot be sure whether you were there or not.

A I don't recall that. I recall the man but I don't recall any accident ever happening to the man while I was there.

Q You do not?

A No sir.

Q Have you heard about him?

A No, I did not hear about him.

Q Then I am instructed that there was a yardman, Reg Bluett, who was thrown off a stock car near the Globe Elevator in 1945 and had a broken leg as the result of it. Do you remember that?

A I remember the name Bluett, and if I remember correctly the movement, when he fell off the car, the car was standing still, if I remember correctly.

Q The car was standing still when he fell off it?

A As near as I can remember, yes sir.

Q Is it likely that it had just stopped and that the jar threw him off?

A It could have been.

Q I am also instructed that there was a yardman, J. Brady, who in the year 1930 fell off a car

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while he was releasing a brake in the end yard. I am instructed that he suffered some crushed vertebrae and paralysis and died about 18 months after the accident. Do you remember that?

A That is correct, sir, but there was no switching movement taking place when he fell off. The cars were standing still.

Q Was he not releasing the brake for the purpose of some switching movement?

A He was releasing the brake, yes, but the cars were not moving at the time.

Q Mr. Kelley, if I am sent to release a brake on a car, which car is about to be coupled on to something, is that not part of the switching operation?

A This car was not to be coupled on to anything.

Q What was going to happen to it?

A They were going to bring the train to the hump whenever the movement was ready and they were not ready for the movement at that time.

Q But he was preparing the cars for that movement, was he not?

A He was preparing to let the brakes off of them cars to bring them to the hump, yes sir.

Q He was preparing them for the movement that was to take place.

A Yes sir.

Q Then, I am instructed that there was a yardman, R.Kennedy who in 1927 -- in fact, I am told

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that the exact date in this case as they have it was December 3 -- was thrown off the top of a car at No.11 switch in the "O" yard and was injured as the result of it.

Do you recall that?

A I recall the man quite well but I do not recall the incident.

Q Then I am instructed that there was a yardman called C. H. Dermot, according to my information, who either in 1950 or 1951 -- they were not sure of the year -- fell off the top of a car in "F" yard and sustained a broken shoulder?

A I didn't know this man at all.

Q Then I am instructed that there was a man called J.Morrow who in 1935 fell off a car at the hump. My information does not tell me whether he was a hump rider or some other kind of yardman, and also they could not tell me what his injuries were. Do you remember a Mr. J. Morrow?

A I remember quite well a Mr. J. Morrow working there but I cannot recall the incident, just what took place at that time.

Q Then I am instructed that there was a man called C. West, "C" for Charles --

A Charlie.

Q Who in 1939 was thrown off the top of a car in the stockyards and sustained some spinal injury and later had mental trouble and committed suicide. Do you remember that case?

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A Quite right.

Q Do you remember him falling off the top of the car?

A I don't recall the particulars of the incident. I know the man quite well. In fact I worked with him lots of times.

Q But you do not --

A I don't recall the particular incident as to how he came off the car, whether the car was moving or whether he slipped or what happened.

Q Then I am instructed that there was a yardman called E. Taylor who in 1929 fell off the top of a car in the N yard and he had a number of injuries as a result of that. Do you remember that case?

A I do not, sir. I know E. Taylor quite well. To my knowledge I did not know that he was injured because I was talking to the man two years ago right in Winnipeg.

Q And you did not know that he had been injured in Calgary?

A No, but I knew he was in Calgary, yes.

Q Apparently you remember some of these cases where men were injured, but you do not remember any of the circumstances?

A No, I do not remember the circumstances surrounding them.

Q I apologize to you, Mr. Chairman, and also to Mr. Kelley for asking this question, but will you explain to me why you seem to remember with such great detail all the elements of the switching operations in Calgary through the years you were there and are able to tell the Commission that this was the practice or that that was not the practice and yet you cannot remember men who were injured and even some who were killed and the circumstances of them?

THE CHAIRMAN: Yes, Mr. Sinclair?

MR. SINCLAIR: I do not think in any respect you could call that a question; that is a

speech.

MR. LEWIS: No, it is not.

THE CHAIRMAN: No, I think it is quite a legitimate question.

MR. SINCLAIR: I think if he wants to ask that question he should lay the ground and then put the question, but he has about three questions contained in that one.

THE CHAIRMAN: I think the question is perfectly clear. Do you understand the question, Mr. Kelley?

THE WITNESS: I did not, no sir.

THE CHAIRMAN: Then we will have it put again.

MR. LEWIS: Would the reporter read it back?

THE REPORTER (Reads):

"I apologize to you, Mr. Chairman, and also to Mr. Kelley for asking this question, but will you explain to me why you seem to remember with such great detail all the elements of the switching operations in Calgary through the years you were there and are able to tell the Commission that this was the practice or that that was not the practice and yet you cannot remember men who were injured and even some who were killed and the circumstances of them?"

THE CHAIRMAN: Is that question clear to you?

THE WITNESS: Yes, that is clear to me; yes, sir.

THE CHAIRMAN: All right, you can answer it then.

THE WITNESS: The reason I am so thoroughly familiar with the movements of the switching operations in both Calgary and Winnipeg is that that has been my life work since I started. I made a practice of making mental notes of my work. That is the reason I am able to recall incidents pertaining to switching and the practices used in switching, practices that I quote were used by myself as well as my observations of other crews. The incidents you referred to and the injuries, I can recall some of the men's names and I know of them and I know of the incidents but I cannot recall and I would not be prepared to say what took place unless I had some way of refreshing my memory. I just cannot. Does that answer your question?

BY MR. LEWIS:

Q It is an answer, Mr. Kelley.

BY THE CHAIRMAN:

Q You did not see any of these incidents yourself? You did not observe any of these accidents personally?

A I saw the incident of -- that is to say, when I say I saw the incident I saw it ten minutes after it happened -- that is the man Brady who fell off the car in N yard.

Q That is the only one?

A That is the only one where I was right on the ground when the accident took place.

BY MR. LEWIS:

Q Now, Mr. Kelley, you would agree, would you not, that it is very likely that there were more incidents involving men falling off cars than the one you cited yesterday which you recalled. Would you agree with that?

A There might have been.

Q Yes, and would you not agree that there was likely to have been more in the 43 years there?

A Yes, I would agree that there would likely have been.

Q About your memory regarding the switching practice -- and I want to be sure that I heard this correctly -- it happened only this morning. Mr. Sinclair asked you, if my notes are correct, "Do you know of any **operation** in Calgary where it would be necessary to use the fireman as a signal passer?" and your answer was -- if my notes and my memory are correct -- that you could not recall firemen being used or seeing them being used as signal passers while you were in Calgary?

A That is correct, sir.

Q In other words, you were not merely saying that in your opinion it was not necessary but you were saying and are saying now that from your experience in Calgary you do not remember a

fireman being used as a signal passer?

A I do not, sir.

Q Do you know the B alley in Calgary very well?

A Quite well, sir.

Q And are you suggesting to this Commission that you have never seen signals passed through the fireman in the B alley in Calgary?

A Yes, sir.

Q You never saw it?

A I never saw it, no sir.

Q And if I tell you that I am instructed by a man who worked the B alley --

HON. MR. McLAURIN: Do you call it the "B.I."?

MR. LEWIS: No, the B alley.

BY MR. LEWIS:

Q If I told you I am instructed by men who instruct me that they work in that alley that it is done daily, what would you say to that?

A It is done without my knowledge.

Q You never saw it?

A I never saw it, no sir.

Q Was the Wilson Electric spur or siding there up to 1951 when you left?

A The Wilson Electric? Yes, I believe it was.

Q Yes; I am instructed it was there a long time.

A I just do not recall the particular spur but I recall the Wilson Electric name being in that alley.

Q If you do not recall that particular spur I suppose you cannot be quite sure whether signals were passed through the fireman there or not?

A They were never passed through the fireman to my knowledge.

Q Never passed through the fireman at all?

A Not to my knowledge.

Q When you say "not to your knowledge" did you ever make any check of this particular spur, the Wilson Electric one?

A I suppose in my experience as a yard foreman I have spotted cars in that spur, but I just do not have a mental picture of the spur right now.

Q But you cannot recall when you must have seen spotting cars there that signals were passed through the fireman?

A I have no recollection of it, sir.

Q What about the Imperial Oil warehouse?

A Imperial Oil warehouse -- in my experience that was spotted by men being on top of the cars.

Q On top of the cars?

A Yes sir.

Q That could not be spotted by signals given on the ground; would you agree with that? On the engineman's side, that is to say?

A No, it would be very difficult if you had more than one car.

Q Yes, if you had more than one car it would

be very difficult?

A Yes sir.

BY HON. MR. McLAURIN:

Q Is it at the west end of the yard?

A Yes, it is at the west end; west of 14th Street.

BY MR. LEWIS:

Q In your experience the spotting there was done
by men on top of the cars?

A Yes sir.

Q In the winter as well as in the summer?

A Yes sir.

Q In heavy winter weather as well as in any other
kind of weather?

A In any kind of weather, as far as I know.

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Q And if I tell you that I am instructed it is
done now and has been done for years through
passing the signals from the fireman, would
you say my instructions are wrong? Is that
right?

A I cannot say what instructions you have got.
I have never seen it spotted by passing signals
through the fireman in that spur.

Q And what about the McDonald Consolidated Limited?
I think Mr. Justice McLaurin corrected me on that
name or perhaps it was on some other one -- I
do not remember.

HON. MR. McLAURIN: No.

BY MR. LEWIS:

Q This is in what is known as the Manchester
district. Is that known to you?

A Yes sir.

BY HON. MR. McLAURIN:

Q This is new -- it is only a year old.

A That was only after I left Calgary.

BY MR. LEWIS:

Q What about the Nitrochemical Plant? I believe that was the one on which I was corrected.

HON. MR. McLAURIN: You should refer to that as Alberta Nitrogen.

MR. LEWIS: That has not been there too long, either.

HON. MR. McLAURIN: Oh yes, that is a wartime one.

BY MR. LEWIS:

Q Do you know that spur?

A Yes, I know that spur out there.

Q Are you saying that in your experience the signals were never passed through the fireman on that spur?

A I have never seen signals passed through the fireman when the engine has been setting up that plant. What I mean by "setting up that plant" is spotting the warehouse with box cars or oil tanks.

Q You never saw it done on any switching operation through the fireman?

A No sir.

THE CHAIRMAN: Mr. Lewis, when I think of this practice of the workman being on top of cars

for the purpose of passing signals or setting brakes or anything else, has the Board of Transport Commissioners any jurisdiction as to prescribing whether such a thing as that or any other practice is to be prohibited because it is dangerous or something of that kind? Is there any such jurisdiction?

MR. LEWIS: According to my reading of the Act -- my learned friend has dealt with it much more than I -- I would say that they would have jurisdiction to issue an order relating to whether or not it should be done that way or what precautions should be taken if it were done that way, and so on. But I cannot recall any order to that effect. There are a large number of orders and I have looked through them. I cannot recall any order dealing with it.

THE CHAIRMAN: Has any complaint ever been made of that practice to the Board?

MR. LEWIS: I was instructed the other day by someone who is not a member of my clients that some complaints have been made to some of the officers of the Board, but I cannot say whether there has been any formal request from the Board as such; but some complaints have been made to inspectors and so on.

THE CHAIRMAN: No formal requests from your clients have been pressed or anything of that kind?

MR. LEWIS: Not that I know about, sir.

THE CHAIRMAN: I referred to "your clients". Do the workmen belong to some union?

MR. LEWIS: They belong to the Brotherhood of Railroad Trainmen, sir.

THE CHAIRMAN: That is what I should have said.

MR. LEWIS: According to the conversations I have had I cannot recall being told of any request being made but I will look into that and I also cannot recall any order relating to it.

BY MR. LEWIS:

Q That brings me to the next question I was going to put to you, Mr. Kelley. Perhaps I should say it brings me to a question I was going to put to you some time during my examination, and I might as well do it now. Do I understand you to say that you think it would be a safe practice for a yardman to be only five feet away from the end of the box car if that box car is one coupled on to the engine. Did I understand you correctly?

A You did, sir, that is correct.

Q And yesterday you said you would not advise anybody to stand less than ten feet from the end of a car. However, you explained to the Chairman this morning that when you said that you were thinking of the lead car in a pushing movement and not the car next to the engine?

A That is correct, sir.

Q And you are saying now that in your opinion it would be safe for a man to stand only four or five feet away from the edge of a car if that car is next to an engine in a pushing movement?

A Yes sir.

Q And your explanation for that, if I understood it correctly, is that he would be subject to very little jar from the slack?

A That is correct.

Q Would there be any jar at all, Mr. Kelley?

A That would be very hard for me to make a positive statement about. It would all depend upon the movement that was taking place.

Q Yes, exactly, Mr. Kelley. And if you had a long train -- a long heavy train of anywhere from 30 cars up to 40, 50 or 60 -- and you had a sudden stop as you sometimes do have, don't you?

A In which direction, sir, if I may ask?

Q We are now talking about a pushing movement. That is what you were speaking about before. If you had a sudden stop wouldn't the jar on the car attached to the engine be pretty severe?

A No sir, because your slack is all in.

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Q There would be no slack out.

A There would be no slack out on that car.

Q I am instructed -- I am a very poor mechanical person so correct me if I am wrong --, that your slack is controlled by a spurring, not controlled but there is a spurring on part of that and then when your slack runs off your spring will bring you back again.

A Some, yes.

Q I am instructed that sometimes the spring, if you have a heavy train and if it is a long train, that that will come back so that it even jars the engine, so that the engine goes forward some minute distance.

A In a pushing movement?

Q You have pushed it and then the slack comes back and jars even the engine; have you ever known of that?

A No.

Q You have never known of that happening?

A Never known of that when pushing a string of cars. I cannot conceive of any slack coming back into the engine as long as they are pushing them.

Q You cannot conceive that?

A No sir.

Q You think that you would be obeying the rule in your Code of Safety Rules, which is exhibit 49; you think you would be complying with rule 1444 on page 11 which reads:

"employees, when standing on top of car, should keep safe distance from side and end, keep

alert for sudden jolts and face direction of motion."

You think you would be complying with that rule for a safe distance from the end of that car if a man stands less than his own height from the end of the car, do you?

A Yes sir, I do.

BY THE CHAIRMAN:

Q What is the necessity for his standing within that distance of the end?

A In a pushing movement in order to get signals to the engineman, if the cab end of the engine is against the car, he would have to stand within four or five or maybe six feet, all depending on the height of the car and the man in order to get signals to the engineer over the end of the car.

Q In order for the engineer to see those signals properly?

A Yes sir.

Q If he stood further away the signals might not be seen?

A Might not be seen by the engineer.

BY MR. LEWIS:

Q On this Mother Hubbard engine you were talking about earlier. Mr. Kelley, when was it that you rode one of those engines, do you remember, roughly?

A Well, I could not give you any specific date, but it is back in the twenties when I was working as a yardman.

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Q You were then --

A I was a yard helper and foreman.

Q You got on that engine I suppose in the course of your work?

A In the course of my work. I have been on the engine in the course of my work on this transfer job between Alyth and the uptown yard.

Q Are you from those experiences able to say to this Commission that in your opinion the men could not hear each other if they talked to each other.

A They could if the engine was standing or if they shouted when the engine was moving. I wouldn't say shouting, if they raised their voice.

Q Would they have to raise it very loud?

A Much louder than I am speaking right now.

HON. MR. McLAURIN: The acoustics in a Mother Hubbard are better than they are here.

BY MR. LEWIS:

Q What noise is there in a diesel engine? Is there some noise in the cab of a diesel engine?

A There is a certain amount of noise when the engine is running.

Q We are talking about when the engine is running of course. I am instructed, Mr. Kelley, that there is a great deal more noise in the cab of a diesel engine when the engine is running than there ever was in the cab of any steam engine, no matter how it was fired; is that wrong, from your experience.

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A I could not say.

Q You could not?

A No sir.

Q You said that as far as you can recall on a Mother Hubbard you used between seven and nine tons a shift?

A That is correct.

Q How does that compare with a coal steam engine?

A Some steam engines use more and some less than that in their 8-hour shift.

Q In ordinary yard service, if you had a hand-fired coal steam engine how many tons of coal do you think you would use up in an 8-hour shift? I am not now talking about transfers, just in yard service; do you know?

A Well, as near as I can recollect, in industrial engines where the work is not too heavy, what I mean they don't handle a large amount of cars in any one place, probably three to four tons.

Q And on transfers?

A On transfers, depending on the amount of cars being handled by the engine, they would run up to six, seven or eight tons, maybe nine tons.

Q And do you know whether or not in the days of hand-fired coal engines the firemen would time his firing duties so as not to carry them over when his observations might be necessary; do you know anything about that?



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A Not to my knowledge.

Q They would just do it any time at all?

A To my knowledge, yes.

Q Pardon.

A To my knowledge they do it when the attention to the fire needs it.

Q But I suppose in the case of a steam hand-fired engine, a coal steam engine, that you could replenish the fire now or two minutes later in most cases without any effect? Do you follow me?

A Yes.

Q Would ^{that} not/be so?

A If I understand the question, you mean you could replenish the fire now and then again in two minutes?

Q No, either now or two minutes later without any effect on your movement or without very much effect?

A No, I would not say that it would have any effect in the matter of a couple of minutes.

Q You are saying that in your experience, in your very long experience, you never heard of or understood that a fireman would time his firing duties so as to do them when his observation, his lookout duties were not essential; you do not know about that at all?

A I have no recollectinn of anything like that taking place.

Q You said you thought that the deadman control

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was not necessary on yard engines. Is there some way in which it could usefully be put on in view of the kind of operation the engineer is subject to in yard engines?

A Not in my experience, the deadman control would not be necessary on a diesel engine.

Q I am asking whether there would be some difficulty about putting it on in view of the fact that an engineer on a yard engine faces one way part of the time and faces the other way part of the time, and goes from one direction to the other all the time.

A That would be a mechanical question and I am in no position to answer it.

Q If I may say so I would not blame you for not being able to answer that. Now you said also, if I understood you correctly, that with the exception of one or two examples -- I do not remember which it was -- in your experience in Winnipeg since June, 1951, there are no places, with those one or two exceptions, where signals are in fact passed through the fireman? You said that, did you not?

A I do not think I made any exceptions in Winnipeg, if I remember rightly.

Q What you are now correcting me about is to say that as far as you know there is no location in Winnipeg where signals are now passed through the fireman.

A There is none, that is correct.

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Q To your knowledge?

A To my knowledge, yes sir.

Q Mr. Kelley, I want to take you through this step by step so that you and the Commission may understand me. I am instructed that at your depot in Winnipeg you have four tracks particularly, Nos. 3, 4, 5 and 6 out of the eight car tracks altogether on which your passenger trains from the east or from the west or from the coach yard, the cars, would be placed on those tracks - 3, 4, 5 or 6 in most cases; is that right?

A That is correct.

Q I am instructed also that in connection with those tracks there are cemented walks between tracks Nos. 3 and 4 and tracks Nos 5 and 6, but not between tracks 4 and 5, for example.

A That is correct.

Q And that those cemented tracks are of the type that everyone sees in passenger stations, and over them you have what could be called a sloping canopy.

A A canopy.

Q A canopy to protect the cemented walk, but there is not any on the other side of track No.4; is that correct?

A That is right; that is on the south side you are referring to?

Q I am instructed that during the winter months invariably the cars are put on tracks 4 or 5,

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as the case may be, with the signals being passed through the fireman when the cement walk happens to be on the fireman's side, which would depend upon the direction from which the cars are coming; is that right?

A Not to my knowledge they are not, no sir.

Q You have never seen it done?

A I did on two occasions.

Q You did see it on two occasions.

A Yes sir.

Q Those were the occasions you mentioned yesterday?

A Those were the occasions I mentioned yesterday.

Q Those are the occasions where you said the yard foreman could not give any sensible reason for doing it, or something to that effect.

A That is quite correct.

Q You do not think it is a sensible reason to go to the protected cement walk instead of walking on icy or snow-covered ties on the other side?

A I do not think it is a sufficient reason to give signals on the fireman's side when they can be transmitted from the foreman to the field man and engine follower on the engineer's side direct to the engineer.

Q Are my instructions correct that in the winter months those uncovered or unprotected ties and rails which are on the other side of this train in the usual Winnipeg winter weather can become pretty icy?

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A Yes sir.

Q And you do not think it is a sensible thing for them to have passed those signals from the protected cement walk side through the fireman rather than walking up on icy ties?

A I do not, sir.

BY THE CHAIRMAN:

Q Would there be passengers on the cement walk from time to time?

A When the trains are in the platforms are badly congested with passengers and express trucks, baggage trucks and all that.

Q I am talking about when the movement takes place, when the signals are given, are there likely to be passengers there then?

A Yes sir.

BY HON. MR. McLAURIN:

Q When you are making up the train.

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BY MR. LEWIS:

Q And was that the reason you told the foreman that you did not want the signals passed on the fireman's side.

A I told the foreman that the proper place to pass signals was on the engineer's side so they had direct communication with the engineer in their move.

Q You remember these things clearly. Would you be good enough to tell me roughly the date when it happened, if you can recall it, and the name of this foreman?

A No, I am sorry, I cannot recall the date, the foreman's name at all; the foreman have changed I think considerably since I first came there.

Q Do you recall the name of any other yardman connected with that particular movement when you talked to them about it?

A I only spoke to the foreman for that particular lead. There was a fellow, a yardman there named Lacoski.

Q Now, another place, I am instructed, Mr. Kelley, where the signals are as a practice passed through the firemen is the following; that is, at the freight shed. I am instructed that between track 1 and the freight shed building -- I am instructed that track No.1 is the track adjacent to the building.

A That is correct.

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H.R.Kelley

Q I am instructed that between this track No.1 and the freight shed building the clearance is not more than six to eight inches, very small clearance.

A That is correct.

Q I am also instructed that frequently the engine -- I have it in my mind that it is called a yard train -- pushes the cars, the cars are pushed on to this No.1 track and on the other tracks with the cars attached to the nose of the engine?

A That is correct, sir.

Q So that the engineer's side would be the side next to the freight shed?

A Correct.

Q And I am instructed that there is no difficulty actually until the lead car gets up to the edge of the building, but the moment it gets up to the edge of the building, my instructions are that signals are passed on the other side because there is absolutely no clearance between the track and the building.

A That I could not say; I have never seen them pass on the other side. I have on two or three different occasions seen that track being handled by men on top of the cars.

Q But you have never seen them pass through the firemen?

A I have never seen the signals pass through the

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fireman on the north side of track No.1.

Q You have a line that goes to the United States border south to Emmerson, and I suppose on to Minneapolis, a track lead?

A That is correct, sir.

Q I am instructed that in turning the train -- to shorten up the question, sir, and I shall be only a little while longer. Stop me if you cannot follow me. I am instructed you have to turn the passenger cars after they have arrived in order to get them back in the opposite direction from the one from which they came.

A That is correct.

Q So you have to take them out on this track, that is the track that goes to Emmerson, and then push them back past various switches and then make a turn?

A That is correct.

Q I am instructed that when you push these cars back down the track from Winnipeg to Emmerson that there is a dwarf signal which is on the fireman's side which could not possibly be seen by the engineer as he approaches closer to it. Is that right?

A Pardon me, which leg of the Y. are you speaking of?

Q At the moment I have in mind, if my instructions are clear even to me, the east. I am looking at the east of the drawing I made, and it is the south leg of the Y.

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A That is correct; they come from the Emmerson branch around the south leg of the Y to the main line.

Q I am instructed that there is a dwarf signal on the fireman's side just south of your own main east and west main line, which this line crosses. Is that right? That is, the Emmerson line would cross. There is a dwarf signal there?

A There is a dwarf signal on the north side of the track that leads from the south leg of the Y to the movement going east to the mainline.

Q Is that the one that is on the fireman's side?

A Well, I don't get you.

Q When you are pushing.

A When you are pushing? Which way would your engine be heading when you are pushing?

Q I am instructed that the cars are attached to the cab end of the engine?

A Cars are attached to the cab of the engine, yes.

BY THE CHAIRMAN: ~

Q The signal would be on the fireman's side.

A The signal would be on the fireman's side in that case.

BY MR. LEWIS:

Q I am instructed that the engineer, as he approaches closer to it, cannot possibly see that dwarf signal and that is why normally and invariably the fireman calls it, observes that signal and passes it to the engineer.



Is that wrong?

A I am not in a position to say what the fireman does in advising the engineer about the position of this signal; but if a signal was not in a permissive aspect the ground crew riding the point of that movement being shoved around there would not go by it. They would stop the movement.

Q Where would the ground crew be riding if you were pushing away from the point of the movement; where would your ~~field~~man be?

A He would be on the point of the movement on the engineer's side.

Q He would be on the engineer's side?

A Yes sir.

Q Would he be able to see that dwarf signal which is on the fireman's side so clearly.

A Yes sir.

Q But in any case you do not know of it being the practice that the fireman is relied on for the dwarf signal?

A I do not know of it, sir; I never was on the engine when it came around in that position.

Q I have only two more examples and I will be pretty nearly through with my questioning. Mr. Kelley, I think I can get done before we adjourn. It will not be very long, Mr. Chairman. I am instructed that you have this piggy back arrangement at Winnipeg and have had it for a little while. Is that right?

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A That is correct, sir.

Q That is the loading on of trucks?

A Transport on to special flat cars.

Q I am instructed that on these piggy back flat cars, the flat cars with the transports on them, you can't ride on top, and there is hardly any place on them on which a trainman or a yardman could hang at all? Is that right?

A There is the usual safety appliance approved by the board on these cars.

Q What are they?

A Grab irons, sill steps, approved safety appliances required by the board in moving of those cars for men to ride on.

Q Where is your grab iron on that flat car with the transport?

A The grab iron is about two inches --

BY THE CHAIRMAN:

Q You are being asked about one thing and you are talking about another. You are talking about the grab iron.

BY MR. LEWIS:

Q Where is your grab iron?

A I was about to explain, sir, that it is about two inches below the deck of the car on the side and on the end, the end and side of the flat car.

Q Two inches below the deck of the car?

A Yes; that is the platform of the flat car.

The first of these is the fact that the
 system is not a simple one. It is a
 complex one, and it is not possible to
 describe it in a simple way. It is a
 system of many parts, and it is not
 possible to describe it in a simple way.
 It is a system of many parts, and it is
 not possible to describe it in a simple way.
 It is a system of many parts, and it is
 not possible to describe it in a simple way.

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 describe it in a simple way. It is a
 system of many parts, and it is not
 possible to describe it in a simple way.

H.R.Kelley

Q And it is on top of this deck that you have got the transport?

A No, no; it is on the side; there is a sill of about two inches wide to which the grab iron is put on.

BY HON. MR. McLAURIN:

Q A flat car has no deck except the floors.

A That is what I mean. That is what we call it the floor of the flat car.

MR. LEWIS: That is what I call the deck of the flat car.

BY THE CHAIRMAN:

Q The transport is on that floor.

A The transport is on that floor.

Q It is very low in relation to the top of the transport.

A Yes, sir.

Q And the switch man could not possibly hang on to that grab iron for a very long time?

A He could get up on to the flat car?

Q He could get up on to the flat car and hang on to the grab iron?

A No, no, not on to the grab iron; he might hang on to the edge of the transport.

BY MR. LEWIS:

Q And if he were a short man like myself, or two or three inches taller he could not see over the top of the transport, could he?

A Well --

Q Normally.

H. R. Kelley

- A I do not think there is a man in this room who could see over the top of the transport.
- Q That is what I thought; that is exactly what I thought, Mr. Kelley. Now, I am told that you have an important main line from Winnipeg to Riverton and you pull or push depending on the direction of the engine, four to eight flat cars with piggy back on them, and when they are shoved they are attached to the nose of the diesel, to the nose of the engine part of the locomotive?
- A That is correct, sir.
- Q And you are going south part of the way and then I am instructed there is a very sweeping curve eastward, which would be to the left, would it not?
- A On the Riverton branch you are going south.
- Q Or east, is it?
- A Well, we call that north.
- Q North.
- A North. You go out north and there is a right hand curve going out.
- Q When --
- A Then, when you come back pushing in, I would say, a southwesterly direction into the spur.
- Q I was talking about this return movement. When you are pushing the cars in this southwesterly direction and come to this curve which you said before was a right one, it becomes a left one, is now on the left; right?

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A Yes.

Q I am instructed this occurs some ~~thousand~~ feet or so away from the tower at McPhillip street. Is that the switching tower that you referred to earlier?

A Yes sir, that is correct.

Q What do you call it?

A Rugby.

Q There are two control boards about a thousand feet -- which is almost at this curve -- from this Rugby tower?

A Correct.

Q I am instructed that when the cars approach this board it goes out of view of the engineer because of the curve that you described and that the fireman is the only one who can see it and call it to the engineer and that this is done as a regular daily practice?

A Not to my knowledge, sir. If it goes out of the sight of the engineer, any signal, he is supposed to stop.

Q Oh yes. If the fireman were not there undoubtedly, if he was a good engineer and observed rule 7A he would stop

A But I am instructed that as a daily matter now he does not stop. ~~He~~ The fireman observes the signal and calls it to him.

A That I am unable to say. I watched that movement in there on several different occasions come out and back in and the ground crew was always

H.R.Kelley

the man on the point of that movement, and the other two men were at different points on the movement depending on the amount of cars they were bringing in.

Q Now, by the way, do you know the Canada Packers siding? You know it well, I suppose.

A Quite well, yes, sir.

Q And there is a road crossing just west of the Canada Packers building, is there not?

A There is, sir.

Q Where the trucks and motor cars pass over and employees pass over?

A Yes, sir.

Q As a matter of fact, my instructions are that because of that movement you at one time had specific hours during which the switching at Canada Packers was to take place. Am I right in that?

A Not to my knowledge, sir.

Q It could take place at any hour?

A As far as I know; I have no instructions that I know of.

Q And the cars as in your many industrial places, have to be spotted pretty accurately?

A Accurately at the doors.

Q And, I am instructed, they are shoving in cars attached to the cab --

A That is correct, sir.

Q -- end of the locomotive.

A That is correct, sir.

H.R.Kelley

Q I am also instructed that there is a big sweeping curve from the lead into Canada Packers?

A Yes, sir.

Q I am instructed that obscures the vision on the engineman's side in the passing of signals? Is that right?

A I can't agree with that, sir.

Q In your knowledge it does not.

A In my knowledge it does not.

Q My instructions are that as they turn off the track towards Canada Packers the ground men position themselves on the fireman's side and pass the signals through him and that has been a daily habit for a long time. Are these instructions wrong?

A I could not say about the instructions. I have never saw movements made that way and I have been in that area on two or three different occasions, not recently, and signals at the time I was there was passed on the engineer's side.

Q Now, Mr. Kelley, I want to spend a minute or two on the exhibit. From the number of cars you told us are handled daily in the Winnipeg yard it is a very busy yard.

A That is correct, sir.

Q Am I right in suggesting to you that there would be in that yard a great many railway employees in addition to the engine and the ground crews working with the switching operations?

A There would be some, yes.

Q You could not agree that there would be many?

A I could not make no statement as to how many there would be at any time; I have never taken the trouble to check up on that.

Q I understand you to say you have never checked the shift to see how many employees in relation to that yard were at work that day and what proportion of them were the people we are discussing in this inquiry and what proportion were the remaining classifications.

A No, I have not.

Q And I think you said to my learned friend, Mr. Sinclair, that in your opinion the helper on the diesel engine on the left side of it makes no difference to safety at all. Is that right?

A That is quite correct, sir.

Q I suppose that means that you never had drawn to your attention any case where the helper on the left side of the engine has been able to avert some affair or injury?

A That is correct, sir.

Q You never had it drawn to your attention.

A That is correct sir.

Q I suppose it might have happened without coming to your attention?

A Oh, quite possibly it could; never drawn to my attention.

Q Did you ever hear of it by rumour that some

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fireman had done something which had avoided an accident?

A No, I cannot say that I have.

Q You --

A By rumour.

Q -- have not even heard of it that way?

A No.

Q Neither in Calgary nor in Winnipeg?

Any other place?

A In no other place.

Q Throughout the 43 years?

A That is correct, sir.

Q I have very little on this, Mr. Kelley, but I would be grateful to have you help me with regard to Exhibit 70, which is your final inspection observation. Have you copies, Mr. Kelley
You had them earlier this morning?

A Yes

Q The one question I am about to ask you would be of assistance in both final and preparatory.
Do you know how long it would take to walk from the shop track to the place of backing out and backing in?

A I am not prepared to give you any exact figure.

Q Roughly?

A Well, I would imagine it would take approximately four minutes.

Q That is in accord with my instructions, you will be glad to hear. It would take about four minutes depending on the conditions.

A That is correct.

H.R.Kelley

Q I understand one might get held up by " passing cars or trains, which would lengthen it, but normally you agree it would be four minutes?

A Somewhere in that neighbourhood.

Q Somewhere in the neighbourhood of four minutes. Turn to Exhibit No.70, your final inspection observations. In the first one, on February 5, the locomotive stopped on the shop or change-off track at 3.27 and the fireman stepped off the locomotive at 3.30, three minutes later. Did you observe what he did in those three minutes?

A He was doing something in the cab; I could not tell what he was doing. One movement, I saw he put on his coat, other than that I could not say.

Q But you know he might have been doing something connected with leaving the engine?

A Whatever he was doing inside the cab I could not say, no movement outside.

Q Now, in the next one he was also there three minutes, from 11.40 to 11.43. Would setting the hand brake take that length of time?

A No, it would not take that long.

Q Do you know what he did the rest of these three minutes?

A Well, I cannot say.

Q Excuse me for a moment, Mr. Chairman, please. I am asking you, Mr. Kelley, to bring your memory back, if you can, to each one specifically.

A Well, I am as near as I can recollect.

Q But you are talking about each one of the instances that I refer you to, not to some general situation?

A Yes.

Q Right.

A He set the hand brake.

Q Yes?

A And got his coat from some place around the seat box and put it on, and just what he was doing for the other few seconds or second that he was in there I could not say. He was standing in the cab. Just what he was doing I could not say, sir.

Q Would you mind turning to the fourth one,

Diesel 7105. The ink seems to have run out on my copy, Mr. Chairman. I think the times are 11.30 and 11.33?

A That is correct.

Q There are three minutes there. Do you remember what he did in that time in addition to setting the hand brake?

A If I remember correctly, he stepped over to the control box on the engineer's side, on the right side. What he done there I don't know. He was there for some few seconds. I did not time the exact seconds that he was there. Then he slipped ~~on~~ his coat, on his arm, and he come out.

Q Turn to Diesel 7103; that is the one on February 22, 3.00 p.m. to 11.00 p.m. "D" and "E" yard. There are three minutes there, 10.35 to 10.38, where the man, according to your observation, did nothing at all. Can you remember?

A No, done nothing at all except step around in the cab and eventually come out the door. What he was doing I could not see. I could not see what he did in the cab of the engine.

Q The next one is 6.25 to 6.27, two minutes. I suppose checking the shutters took most of that time?

A Well, he walked out on the running board on the side and looked at the shutters. What he done I could not say. He looked at the shutters.

Q Then there are two minutes in the next one,

Diesel 7081, 6.25 to 6.27, where your note is that he did nothing. Can you remember what he did in those two minutes?

A Nothing more than he appeared to be standing in the cab, what he was just doing in there, and come out on the back step and took his time coming down the steps, did not appear to be in a great hurry to go any place.

Q Then, Diesel 7101, two or three after the one I mentioned, there are two minutes there and you say, as far as you could see, the fireman did nothing. Can you remember that instance?

A It was practically the same instance as the one I mentioned before; took his time coming out of the cab.

Q Then the next one, 6.55 a.m. to 7.00 a.m., five minutes. You say that this fireman checked the shutters and set the hand brake. These two operations would not take five minutes normally, would they?

A Well, as far as I know he set the hand brake, I know that, first; then he went out alongside the running board and he was doing something to the shutters there for, I do not know, a matter of a minute or a minute and a half, two minutes, three minutes, I don't know. I did not check just how long he was at the shutters. What he was doing, I don't know what he was doing.

Q You did not see him do anything else?

A I didn't see him do nothing else.

Q Now, with regard to your final exhibit, Exhibit 71, and this is my final question, Mr. Chairman, and it is just a matter of clarification. I just happened to notice (d).

THE CHAIRMAN: On page 1?

MR. LEWIS: On page 3.

BY MR. LEWIS:

Q Under (d) you say "Fireman observed conditions in direction of movement; called 'All clear' at main line crossings." You have noted it in the plural, but when you answered my friend you dealt with only one crossing. You said crossing at Marion Street, if I remember correctly. There is more than one crossing going in that movement. Your note is correct, is it not?

A I think under Article "B" it says -- was it "B" you spoke of?

Q "D" for Donald.

A "D"; yes, there are two main line crossings that went over, three main line crossings.

Q There were three main line crossings?

A Yes.

Q And at each of them the fireman called "All clear"; is that right?

A Yes, sir.

MR. LEWIS: Thank you very much.

MR. SINCLAIR: No re-examination, Mr. Chairman.

THE CHAIRMAN: Mr. Mundell, have you any questions?

MR. MUNDELL: No.

BY THE CHAIRMAN:

Q Mr. Kelley, reference was made to Rule 7a, on page 15. The last sentence reads:

"If signals disappear from view the movement must be stopped immediately, unless otherwise controlled."

In your understanding of that rule, from whose view?

A From anyone's view.

Q Including the engineer?

A Including the engineer. What I mean by that, if the foreman or the field man is on the point of the movement and he goes out of sight of the man that he is relaying signals to, who in turn is relaying them to the engineer, the movement should be stopped until he comes back in sight where they can see him.

Q As you understand it, if the last man on the chain, the engineer, cannot see the signalman he should stop?

A He should stop, yes, sir.

Q Well, then, if you have a situation of that kind, as has been suggested to you, where you have signals being made on the left-hand side to the fireman and the fireman verbally transmits what he sees to the engineer, in your view

would that be a violation of that rule because the engineer cannot see?

A I would say, in view of that rule, the engineer should stop until he can see the signal.

Q Well, now, I would like to get this clear also. Is there ever a situation in your experience where, leaving aside the rule for the moment, either by giving these signals on the right-hand side or giving them on the left-hand side, nonetheless you would still have to have some one or more persons on top of cars? Is there ever a situation of that kind?

A I do not quite get that question, sir. If I get it right, if the signals can be given on either side --

Q No, you have a situation where the engineer can see if the signals are given on the right-hand side.

A Yes.

Q The other situation is where, if there is nobody on top of the cars, the only way the engineer can see is by having the signals given on the left-hand side and the fireman tells him what he sees.

A Yes.

Q You have these two situations. I am asking you is there ever a situation where either one or the other of those methods of giving signals is not enough and you would still have to have a man on the top of the train?

A That is correct, sir.

Q There are some situations of that kind?

A Oh, yes, sir.

Q Leaving that aside, if there is a situation where the engineer cannot see because the signals cannot be given on the right-hand side, but they can be given on the left-hand side through the fireman, then you say that that really comes back to the rule that was just mentioned by you?

A Yes, sir.

MR. LEWIS: I would like to ask the witness a question, if I may, Mr. Chairman, arising out of your questions.

BY MR. LEWIS:

Q Why do you say that if the signals are passed through the fireman and the fireman calls them orally to the engineer, if I understood your question, sir, that that means, in accordance with Rule 7a that the movement must stop.

A My interpretation of the rule is in yard work and my experience has been that the signals should be given direct to the engineer.

Q I appreciate that, but in answer to the question that the Chairman put to you, you said that if the signals are passed through the fireman and the fireman calls them to the engineer, if that happens, in your opinion the movement should stop because of the last sentence in Rule 7a.

H3-8

MR. SINCLAIR: As I took the note, that is not what the Chairman said.

THE CHAIRMAN: As I understood the witness, and I want to appreciate what he said, in his experience, reading the last sentence, if signals disappear from view, that that means ultimately from the engineer's view, that is the way he interpreted it, or when the signals in any given case are given through the fireman, that is opposed to the letter or the spirit of that rule; that the engineer, as the last man, must himself see, and not the fireman. That is what I understood the witness to say.

BY MR. LEWIS:

Q Is that your interpretation?

A That is my interpretation of the rule.

Q But you have never known these signals to come through the fireman at all. That is your point, is it?

A I have no recollection of signals, in my experience, being passed to the fireman, through the fireman, to the engineer.

BY HON. MR. McLAURIN:

Q You said you knew of two, and you objected to it and you told them off?

A Only the two cases, and I objected to it in both cases.

THE CHAIRMAN: Maybe we should have some authoritative interpretation of that rule. I just wanted to know what the witness had to say.

MR. LEWIS: Yes. I am interested in what he has said about the application.

THE CHAIRMAN: We learn about these things as we go along. I understand we are through for the day. We shall adjourn now until Monday morning at 10.30.

--- The Commission adjourned at 12.50 until Monday, March 25, 1957, at 10.30 a.m.

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

14

PROCEEDINGS

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Mr. Mundell

I N D E X

WITNESSES

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Exam. by Mr. Sinclair.....	1886

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20 - (Attachment) Pipe Lines information	1735
24A- No. and percentage of reduction in firemen.....	1735
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ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Monday, March
25, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C.	Representing the
C.J.A. Hughes, Q.C.	Commission
I.D. Sinclair,	Representing the
Allan Findlay	Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Monday,
March 25, 1957.

14TH DAY

MORNING SESSION

--- The Commission opened at 10.30 a.m.

MR. SINCLAIR: Mr. Chairman and members of the Commission, I have Mr. Allan Findlay associated with me and he will be present during the presentation.

Before adjournment I handed to my friend four statements which were requested during the first three or four days of the hearing and with your permission I would like to file them now. The first one has to do with the --

MR. LEWIS: I think the suggestion was that they be included with the exhibits...already in.

THE CHAIRMAN: If you will just indicate what they are.

MR. SINCLAIR: The first one is a memorandum regarding information requested by Mr. Lewis in Volume 3, pages 317 to 318 concerning basis of calculation of savings in Exhibit 15. It was suggested that that be attached to Exhibit 15.

EXHIBIT 15 (Attachment)

- Memorandum re calculation of savings.

MR. SINCLAIR: The next document was requested by the Chairman and was referred to in Volume 2, page 176, lines 21 and 22 and refers to Exhibit 20. This has to do with proportionate figures giving the total transportation handled by various media of transport, and the question was whether pipe lines included gas. The answer to that is set out here, no, that it does not, that under the heading of "Pipe Lines" it was just liquids.

EXHIBIT No. 20 (Attachment)

- Further information
re pipe lines.

MR. SINCLAIR: The next one is in relation to information requested by Mr. Lewis at page 319, Volume 3, and this has to do with engineers and firemen in the years 1949, 1952 and 1955 showing the numbers and percentage of reduction 1955 over 1949. This has to do with Exhibit 24.

EXHIBIT No. 24 (Attachment)

- Statement of
number and percentage
of reduction,
firemen.

MR. SINCLAIR: The last one does not refer to a particular exhibit. It is a memorandum re information requested by Mr. Lewis in Volume 3, pages 313 and 314, and shows the number of firemen set up as enginemen based on 1953 to 1956 inclusive, and also the estimated retirements of enginemen at ages 65 in the years 1957 and 1961. That would be a new exhibit.

MR. LEWIS: I would suggest that that refers to Exhibit 24, and if it was included with Exhibit 24 we would have the number of firemen, the number of engineers and firemen promoted to engineers all in the one exhibit.

MR. SINCLAIR: This could be put in as Exhibit 24B. The other one perhaps should be referred to as Exhibit 24A.

EXHIBIT No. 24A - Number of firemen
set up as engineers,
1953 to 1956
inclusive.

MR. SINCLAIR: My next witness is George Mountsteven

GEORGE MOUNTSTEVEN, Sworn

EXAMINED BY MR. SINCLAIR:

Q Mr. Mountsteven, the acoustics in this room are bad and it will assist everyone if you will speak right up.

A I will be speaking right up and I hope everybody does the same because the weather down here, I have a touch of sinus trouble from the dampness.

Q Try to speak up. You were born in Mountsteven, Ontario, and joined the Canadian Pacific as a shop labourer in July, 1921 at Lambton, Ontario.

A 1920.

Q After reporting as shop labourer you signed on as a spare fireman and ran as a spare fireman from 1920 to 1928 in yard, freight and passenger service on the Ontario District, and also in certain parts of the earlier years you transferred West and ran as fireman at Kenora and Fort William?

A I did.

Q In 1928 and until 1930 you were a regular fireman at the Mactier yards, and in 1930 you bid in a regular fireman's position on pool freight service on the Ontario District and held that assignment until you were laid off in the depression. You were out of service, being laid

off, until 1940. Early in 1940 you were called back and held a position on the spare board, working in pool freight service on the Ontario District; that is correct?

A Correct.

Q From 1940, the latter part of the year, until 1946, you held a regular assignment as fireman in pool freight and passenger service on the Ontario District of the Canadian Pacific; in 1946 you became an engineer and you ran as an engineer from 1946 through 1948 in yard, freight and passenger service on the Ontario District? That was on the spare board, getting runs where you could?

A Right.

Q In 1948 through to 1955 you held a position as a regular engineer in freight and passenger service on the Ontario District?

A I did.

Q Except for ten months when you were out of service on account of an accident in the year 1949, throughout all those years you were running steadily as an engineer?

A I was.

Q In 1955 you bid in a job as a regular engineer in the Toronto terminals and from 1955 to the present you have been a regular engineer assigned to industrial switching in the Toronto terminals?

A I have.

Q And for a part of that period while the regular local chairman was away ill you acted as the local chairman for the Brotherhood of Locomotive Engineers?

A I did.

Q Does that properly outline your service with the company and your work, Mr. Mountsteven?

A It does.

Q Now, in your experience as a fireman, Mr. Mountsteven, what type of locomotive did you have to fire?

A I have fired practically every type of locomotive that was in existence from 1920 until I was set up, from the smallest to the largest.

Q For instance, have you fired in yards what is known as the 6800?

A I have.

Q That has been referred to here as the Mother Hubbard?

A I do not know what it was called; they called it more than that.

Q Have you also fired what is known in the trade as a Mud Hen, the 3200?

A I did, many times.

Q What was the outstanding characteristic of the so-called 3200?

A Well, you cannot use profanity in here so I will outline it very briefly, but many times I did with these Mud Hens that we used to have, the

3200's. In those days there was no electric lamps on them, it was all coal oil lamps and the boiler butt extended back quite a ways.

Q Back into where?

A Back into the cab, like it was back here, and you had a narrow place up here with a clothes box for a seat because you couldn't even have one with a back. It was very narrow between the boiler and the side of the cab.

We used to call it going up in the apartment because you had steps to go up in there. Down at the back you had a chain extended from the cab down to the door and you had to pull this chain to open the door.

You had a steam gauge up there and a water glass. The engineer, he went up in his apartment. He was off in here and you didn't see him.

Q That would be on the right-hand side, you say off in here?

A The right-hand side, up on the other side of the boiler. He also had a steam gauge and water glass up there for him to look at because no one could see the other one. Lots of times I didn't want to see him because he was likely cursing me at the same time.

Q Was that type of engine used in yard service?

A No, I fired it -- we used to fire it on the old Mactier yard at one time, but finally they

used to use them on what they called the assist pull out of Toronto, from Toronto, from the junction up to Agincourt; on trips like that because they would only last so long.

Q The 6800, did you fire it in yard service?

A In yard service at Havelock; that was the only place I fired it.

Q And yard service or in yard service?

A Yes, at Havelock.

Q To Havelock or at Havelock?

A No, at Havelock.

Q Did you ever fire in yard service the 6600?

A Yes, on the hump we had I think it was 6603, the hump at Lambton.

Q Is there a hump at Lambton?

A We called it the hump; it was just the main lead.

Q Have you fired a 3600 and a 3800?

A The 3600 -- the 3800 is the 3600 converted, and the 3900 is the 3700 converted.

Q You fire them in yard and on the road?

A Well, yes, on transfer; the 3600, I did fire them on transfer, but on the road I have fired them more frequently.

Q Were these various locomotives we have been speaking about hand-fired?

A Oh, yes.

Q Have you ever hand-fired a 2900?

A Yes, I have.

G. Mountsteven

Q And 5100's and 5300's,

A Yes, 5800's.

Q In yard service, Mr. Mountsteven, what would be your estimate of the amount of time a fireman would be on the deck of a hand-fired steam locomotive?

A Well, in the Toronto terminals you would be on two-thirds of your time, you might say, on the deck on account of the smoke nuisance.

Q.
BY MR. LEWIS: On account of what?

A The smoke nuisance.

BY MR. SINCLAIR:

Q What do you mean by that, on account of smoke nuisance?

A Well, the smoke there, they were very strict about eliminating smoke, and when you were firing an engine you couldn't go down and put in what you might like, what they call a gorge to last a certain length of time. You had to more or less keep spraying the coal in there to eliminate and let the carbon burn so you wouldn't get black smoke out of the engine.

BY THE CHAIRMAN:

Q When you speak about being on the deck, do you mean actually engaged in putting coal into the boiler?

A Putting coal in, you would throw a shovel in and wait for the carbon to burn off and then another scoop. You would spray it in. You

G. Mountstevens

couldn't put a big gorge in to last.

BY MR. SINCLAIR:

Q Would you also be down there shaking the grates?

A Yes, you would have to keep clean grates. If you didn't that is when your smoke was going to be more excessive than otherwise because you do not get proper draft and oxygen in there to eliminate it.

Q Now on industrial switching, do you make a distinction between yard work and industrial switching when you gave the information you just gave?

A Well, it doesn't matter. In industrial switching it is the same. In fact, it is a little bit harder, I imagine in industrial switching in this respect, that you are not using the engine for to burn up the carbon. Like with industrial switching you might just give the throttle a pull out and a couple of exhausts just to move a car and then shut it off. When you shut your throttle off that is when the black smoke will come more and you have to avoid that.

Q On a hand-fired engine on the road, what is your estimate of the time the fireman would be on the deck, on an average?

A Well, it varies on the contour of the road and the condition that your engine is in, and with a lot of, with most of the engines you are down there quite often. I have seen me down there 100 per cent of the time, and other times, if you

G. Mountsteven

had a light train and not too much you would be down there probably half the time and sometimes three-quarters of the time.

Q Mr. Mountsteven, have you had experience running diesels on the road?

A I have.

Q Over what subdivisions?

A Over the Oshawa subdivision, the Owen Sound subdivision and the Mactier subdivision.

Q Have you run diesels in the yard in the Toronto terminals?

A I have.

Q And have you run diesels in industrial switching in the Toronto terminals?

A I have.

Q Your answer?

A Pardon?

Q I asked you if you had run diesels in industrial switching in the Toronto terminals?

A I have, yes.

Q Now, would you please tell the Commission some of the assignments on which you have had diesels in the Toronto terminals?

A Well, we could start down at the Toronto terminal. I have been on the Ashbridge's Bay job. I have been on the coach jobs.

Q Coach jobs, I think you said?

A Coach jobs.

Q Yes?

G. Mountstevens

A And the Cherry Street job or the George Street job down in by the Don and then up at Parkdale, on the Parkdale lead.

Q Any transfer jobs?

A I am giving him a chance to write it down -- and the circle job and the Queen's wharf.

Q Yes?

A On the transfers from Parkdale to Lambton, and I have been on the industrial south job, the industrial east job, the industrial west, the ice house job and the "rip" track and the stock job, and I think the industrial north, they call the abattoir job.

Q What has been your regular assignment, Mr. Mountstevens?

A Well, I fired or run what we call the Emery way freight. It is an industrial job.

Q What has been your regular assignment recently?

A On the Leaside local.

Q Just shortly would you tell the Commission -- when were you last on the diesel in the yards, by the way?

A I booked off the Leaside job at 6.45 Friday night.

Q Last Friday?

A Friday night.

Q Now, just take Friday as an example. What time did you go to work?

A Oh, I was to work about 9.25.

Q What did you do?

A I went in and seen -- in the yard office they

G. Mountsteven

have bulletins there.

THE CHAIRMAN: A.M. or P.M.?

BY MR. SINCLAIR:

Q A.M. or P.M.

A A.M. and I went into the yard office.

They have a list up there --

Q Just a minute Mr. Mountsteven. It is very difficult to hear if you speak quickly. If you speak quickly I cannot follow you and my friend and the members of the Commission also wish to hear your evidence. You said you came in and you booked --

A No I came to the yard office.

Q Yes?

A I went in the yard office. There is a list that I presume the yardmaster puts up each night telling what engine and what job and I just looked and I saw Leaside, it said, engine 6545.

Q Yes?

A I go out around into another part and there is bulletins there. I read them.

Q Yes ..

A Then I walk around farther and the only place there is a clock there at the yard office is where the conductors book in, so I walk in there and I check my watch.

Q Yes?

A And I went back out and just around back of the yard office in where the engines are kept, either on 13, 12 or No. 11 in what we call the "here" yard,

G. Mountsteven

and 6545 was in No.10 and I went over and walked around it.

Q Mr. Mountsteven, how long do you estimate it would take you to book out, read the bulletins, check your watch and walk to your engine?

A Oh well, it all depends on who you meet.

Q Approximately?

A Oh, if you go straight there, it would take you I would say, around 10 minutes anyway to do that.

Q To book and read the bulletins?

A We do not book in, that is what I wanted to clarify, at the yard office there. If we were at the roundhouse we would book in and out.

Q A regularly assigned crew in the yards, at Toronto, does not book out and in?

A That is right, unless they are on the spare board or an extra job. Then they must go and book in or book out so the calling centre will know they have arrived.

Q Now, for you to read the bulletins and check your watch and go to your engine would take how long, do you say?

A Approximately ten minutes.

Q How far is it?

A It is not very far. What I mean to say is you are going up to the shop and then out around to the back of the yard office and walk down. It all depends how far down No.10 or No.11 that your engine would be.

Q When you got to your engine what did you do?

G. Mountstevens

A Pardon?

Q When you got to your engine what did you do?

A Well, as a rule I generally start out around and walk around the left side of the engine and when I come to a rod there that drains the righthand side main reservoir where most of the condensation is I pull it out and blow it out because there is condensation in there, water, and when you go to use your brake it doesn't get up through your brake system.

Q You drained the reservoir and then what did you do?

A Pardon?

Q After you drained the reservoir what did you do?

A I looked to see that the piston travel is approximately the right distance for your brakes and if the independent brake is on and go around and see all the wheels is there and the brake shoes and any other defects that you might say would be hazardous in your day's work.

Q And then what did you do?

A Well, you generally get up into the cab. I get up on the lefthand side because there is a little door there and all you do is open the door and look in and there is a glass with figures on it tells you how many gallons of fuel oil you have and you look at that and find out how many gallons of fuel oil you have got.

Q Yes?

A Then you get up into the cab and look around and

G. Mountstevens

see that you have -- the first thing I looked for is a seat and if you have a seat you know you are going to be able to sit down that day and the fireman's seat is there and may be look --

Q What do you do after that? You have been on the lefthand side and you have looked to see how much fuel oil you have. Then what did you do? Do you go out and inspect your engine any more?

A Inside, you have to go into the cab of your engine to do your inspection there, to see you have got a monkey wrench and proper flagging equipment, tools, lamps, and then you go out the righthand side and sometimes I try the sander. Then I go to the front on the side and try the lubricating oil pressure gauge. There is a rod you pull out, you pull it up and look at it.

Q To look at the lubricating oil is there anything you have to do to get at the rod?

A Open the door and pull the rod up the same as you lift the hood of your car and pull up the rod to see how much oil you have in your car. Then you go down a couple of more doors, open that and there is a little glass there which has your governor oil in and you see you have the proper amount or sufficient governor oil in there and then you just look to your left and there is a long glass on the side there that tells you how much water is in your cooling system.

Q Yes.

G. Mountsteven

A Then you go down around the front and over to the other side and open another door and there is -- oh, you turn them ---

Q The filters?

A The filters, for the filters you give them four or five turns, each one of them.

Q During this time what is your fireman doing, if anything?

A Well, what I mean to say, the fireman has not got there yet. I am always early, and then I get down on the ground if I see my sanders are working and I get up and do things around. I am there ahead of time and the fireman he comes at 9.45.

Q And what does he do?

A Well, he comes up in and says "Good morning" and lays his lunch pail down and he goes to work and he goes around what I have already done.

Q Now, based on your experience, Mr. Mountsteven as a fireman and as an engineer in the Toronto terminals, to whom are hand signals given by the ground crew? Pardon me one moment.

HON. MR. MARTINEAU: Pardon me, the witness said it takes him ten minutes for certain work which he does around the office and then he goes to his engine and he does a lot of checking, but he has not said how much time it takes him.

MR. SINCLAIR: To do the checking. He said he always got there early and as I understood his evidence he had this all finished by 9.45. That is what he said.

G. Mountstevens

BY HON. MR. MARTINEAU:

Q You said first of all that it takes you ten minutes in the office and then you go/your engine and walk around the engine and check and then go in the cab and do more checking. How long would the whole thing take you?

Mr. Mountsteven

A From the time that I arrive at the diesel until I have the inspections fully made?

Q Yes.

A Well, I would say approximately between five and ten minutes if there were no obstacles of any kind. Sometimes the doors are froze, usually, on the side of the engine, if there is ice around there in the winter time, and it might take longer to get them open and so forth, than that.

BY MR. SINCLAIR:

Q My question was, based on your experience as a fireman and as an engineer, working in various assignments in Toronto terminal, what is your experience as to how the signals are relayed from the ground to the engine? How are they relayed and to whom?

A Well, to the engineer. Would you like me to go from when I was a fireman and then on up?

Q I would like you to tell the Commission what your experience has been, for instance, generally, what is the practice as --
The practice generally ^{is to} give them directly to the engineer.

Q Now, based on your experience in these various jobs, is there any place, or any places in Toronto terminals where that does not pertain?

A Yes, I would say that there would be oh probably around four jobs downtown -- what I am referring to as downtown -- more than any place, because down ^{there} there/are large jobs down around the mills and some of these industrial places where you go in and your siding will lead in, there may be a Y this way (indicating) that you may have to switch, and then there may be a Y that way (indicating) that you have to switch.

Q Just a minute. You are indicating a Y, a direct turn first to the left and then --

A To the right.

Q Then you have to begin to take a turning to the right; yes?

A Yes, one goes this way and one in that way (indicating).

Q You say "downtown"; whereabouts downtown?

A Well, around Victory Mills.

MR. LEWIS: Mr. Chairman, I appreciate my friend's desire to keep the witness on the rails but I would very much like to hear the witness tell his story.

MR. SINCLAIR: I do not understand my friend's objection at all.

THE CHAIRMAN: Well, I think he is telling the story, Mr. Lewis.

MR. LEWIS: Well, for example, when a witness who is an engineer with so many years experience

can have a little difficulty and has to stop and think about the word "filter" I personally do not entirely appreciate my friend giving him the word.

MR. SINCLAIR: He said he turned something.

MR. LEWIS: I may be being a little petty, I do not know, Mr. Chairman, but I would like this witness to receive as little help as my friend can give him without confusing the matter.

THE CHAIRMAN: All right, Mr. Sinclair, you will just have to proceed without leading, and anything that you think is not clear in the answer you will just have to clear it up. I think we shall have to proceed in that way, Mr. Sinclair.

BY MR. SINCLAIR:

Q When you say "downtown" what do you mean, witness?

A Well, it is a phrase; we refer to downtown because as a general rule all men are designated at Lambton, and that is where they are called for. We do not hold any spare boards downtown. You go down to John Street and Union Station and they will call you, want you downtown for a yard, so we refer to that as downtown, because West Toronto and Lambton is the central point where all men are taken. Now, the only times that I have been downtown on those jobs --

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Q On which jobs?

A Pardon?

Q On which jobs?

A What I am referring to as downtown, the ones that I have given you, the coach jobs and the Parkdale jobs, the Victory Mills jobs, and so forth, down there; so during the time of we will say my apprenticeship there on the spare board, or when I was called when they were short of men and I was firing and I was called to go downtown and run a job down there just temporary for the one shift. So it has been -- I have not been down there since I would say around ~~1940~~¹⁹⁴⁸, 1950, I believe, was the last time that I have been down there; otherwise, from then on I was on the main line and then on the Leaside local since a year ago last October.

Q Now, Mr. Mountsteven, based on your ^{experience as a} fireman and as an engineer working in Toronto terminals, are there any places where, in your opinion, it is necessary for signals to be relayed on the fireman's side?

A Well, if they had sufficient signal takers, what I mean is switching, an extra one up on the top of your car where he could get, what I refer to, these places down in around the Victory Mills and these places where there has been -- the signals are taken

sometimes on the fireman's side.

BY THE CHAIRMAN:

Q Mr. Mountsteven, you are being asked now if there are places. You have mentioned the Victory Mills and some other general language. Can you give us the places in addition to Victory Mills that you are now referring to where signals are given on the left-hand side?

A Well, there might be one thing on the open end at the circle job where there is so many buildings that you go around in on that one there.

Q The circle job is another one; that is a second one?

A Yes.

Q Are there any other places?

A Well, sometimes gentlemen, I would say on the Ashbridge's Bay there might be down there; but what I am referring to is that -- I am not trying to avoid the issue -- but what I am giving -- it will be eight years -- it is kind of hard for to pinpoint out any certain job down there when you are not too familiar with them, but I have known that there is places down there where they have done that.

Q Well, now, if I followed your evidence you said that between 1948 and 1955 you have

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been really on the road?

A On the road.

Q And, then, since 1955 --

A I went on the Leaside local which is running between Lambton and Leaside.

Q And is that a transfer?

A Well, you could call it a transfer and an industrial job.

Q It includes industrial switching?

A Oh, yes.

Q All the way along between Lambton and Leaside?

A Right along. If you would like the moves I can give you each move.

Q Does that take you down to the waterfront?

A No; it takes you across on the North Toronto branch, what we call the North Toronto branch where the trains go to Trenton.

Q When you talked about downtown, you meant, did you, down along the waterfront?

A Along the waterfront.

Q You have not been there since --

A From 1950, I think probably 1950 because I know a couple of times I was called out. When you are out there, when you are on the pool service, whatever pool service you are on and they are short of a spare man they will call a man off the north end pool or the east end pool whichever they have to have a man on to go down to man one of these jobs for one shift, you see.

1. The first part of the report

describes the general situation

and the results of the survey

conducted in the field

and the conclusions drawn from it

are as follows:

The first conclusion is that

the data

collected are reliable and

valid and can be used for

the purpose of the study.

• The second

conclusion is that the

results of the survey

are in line with the

hypothesis

that was tested.

The third conclusion

is that the data

collected are

consistent with the

previous research

on this topic.

The final conclusion is

Mr. G. Mountsteven

Q All right. What you are saying then is that you have not been downtown since 1950?

A No.

Q These places that you are being asked about where the signal passes on the left-hand side, they are downtown?

A Yes.

Q You have given us three?

A Yes.

Q Have you any other recollection of any other place?

A No, I cannot; that is, I say/^Icannot fully recollect any. I do not like to guess at things.

Q We do not want you to guess.

A I see.

BY MR. SINCLAIR:

Q On the Leaside job that you are now on and on which you have been since 1955, what is the practice on that job as to giving the signals, Mr. Mountsteven?

A Given to me directly.

Q Is there any location when you switch on that switch where that would not pertain? Is there any location?

A No.

Q On the job where the signals would not be given in that way?

A No.

Q None whatever? You are shaking your head.

You have to answer.

A No. There is no place^{on}/there that the switchman cannot give it to me, give the signal directly.

Q What do they do?

A They come out and give me the signal. They know where the spots are and where to get, and so forth, to do that.

Q In your opinion on that job does the fireman on your diesel in your experience contribute to the safety of your operation?

A I cannot see because -- I cannot see, looking over that, where -- very seldom. I generally watch what is going on and take signals, and so forth.

Q What is your opinion as to the necessity, if any, of having fireman on the left-hand side to make observations on the Leaside job?

A No, there is nothing that he can observe there that I can see there that I cannot see.

Q What about when you are moving the engine ahead on a left-hand curve? Have you got any left-hand curves on the Leaside job?

A Yes, one going up, I come under block signal indication.

Q Have you any industrial switches where there is a curve to the left?

A No.



Q When you are coming out on the lead, out of the yard, are there any curves to the left?

A When you are coming out on the lead?

Q Yes.

A When we are coming out to the lead where we back out and I am on the left-hand side, you know, the right-hand side of the engine, and it comes out this way (indicating) on my side, when we come out of the west end of the yard when I have got my train made up or doing any switching, say, this way, it comes, you see --

Q Take the movement with the engine ahead, your locomotive is pointed with the engine leading the movement, the engine of your diesel leading the movement, and you come to a curve toward the left as your engine proceeds, now, is the fireman of any assistance to you in that situation, Mr. Mountsteven?

A Does he call it?

Q I am asking you if he is of any assistance to you?

A No, I cannot see; I have not asked him to be any assistance and --

Q Who do you rely on, if anyone?

MR. LEWIS: Let the witness finish.
He says he does not turn to him for assistance and --

THE CHAIRMAN: The witness had not finished. Finish your answer.

THE WITNESS: What I was going to say was I cannot see why, that I should.

BY MR. SINCLAIR:

Q My next question, I think, Mr. Mountsteven, was, who do you rely on for observations on the left-hand side of your engine?

A Who do I rely on?

Q Yes.

A I rely on the switchman for anything that I have got to do on the front. He is the guy you call the pin boy. He is in front of the engine; he is generally there and I go by his signals.

Q You say you rely on the switchman that you call the pin boy?

A Yes.

Q Where does he stand with respect to the move we have been describing, engine ahead?

A If going ahead he generally comes out and gets on the front of the locomotive; he stands on the steps or up on the platform there because --

Q All right, go ahead. You say "because".

A I don't know what their movements are going to be, what instructions they have. When we get on the siding we may get some cars and we may start out, and he may have instructions that there is something else to go ahead of us, and if he wants me to go ahead he gives me the signal; if he don't he

swings me down. When he swings me down I know there is something going to come out on the lead, probably transfer, or some other train would come out off the lead ahead of me, so I rely entirely upon the switchman for governing me through the movements that we are making.

Q Now, based on your experience as a fireman and as an engineer, for yard work which would you prefer, a diesel or a steam engine?

A Oh, diesel.

Q Why?

A Well, there is as much difference between night and day. With a steam engine you have the hazard of coal dust and smoke and steam. I have yet to see an engine that is steam-proof or tightened up. The steam eliminates your view. You have a larger boiler in front of you and a running board which is up higher. You have a longer blind spot ahead of you that you cannot see than you have with a diesel because the running board is lower in the diesel and you can see much closer to the front movement that is being made and you have a far better view in both directions.

Q Based on your freight experience on the road, Mr. Mountsteven, as an engineman and as a fireman, -- dealing with steam-powered engines first -- what do you require of your fireman?

A Steam and water.

Q Steam and water?

A That is it. If he gave me that I was the happiest engineer on the road.

Q Did you rely on him for anything else?

A As I say, that is what I relied on him for, steam and water, and I could then observe

and get my train over the road and knew where I was going or had a pretty good idea.

Q Now, on diesel freight movements on the road, what do you rely on ^{your} fireman for?

A On the diesels?

Q Yes, on freight trains on the road?

A Company.

Q Anything else?

A Oh, to get me a drink of water sometimes if I am too lazy to get off the seat.

MR. SINCLAIR: That concludes my questioning.

BY MR. LEWIS:

Q Mr. Mountsteven, what are the jobs that you do on this Leaside local?

A Pardon?

Q What are some of the switching jobs that you do on the Leaside local?

A Would you like me to go through it?

Q Yes, go ahead and tell me just what they are.

A Well, we get our engine, as I say, out of no. 10, no. 11, no. 12 or no. 13, wherever it may be.

Q That is the track number?

A Yes, that is the track in the Here yard. That is where they are stored. And when the switchman comes around and he will come down to me and give me a sign to back up. We back up into what we call the Here yard

lead and come across the cross-overs on to what we call the big lead. If there are cars on no. 19 that extends off the big lead we go in and we get those cars and then we will take them up the big lead to where our van is standing probably with some cars that the big lead has put on there that they want us to take. We will couple on to those and when they give me the signal to go ahead I go on down to Keele Street --

Q Do you pull the cars or push them?

A We pull them.

MR. SINCLAIR: Did you say Keele Street?

MR. LEWIS: Yes, I believe he said Keele Street.

BY MR. LEWIS:

Q You take them down to Keele Street?

A Yes, Keele Street, that is what we call Keele Street, the original yard office.

Q Do you pull or push the cars?

A Pull them.

Q With engine front or cab front?

A Engine first

Q Engine first?

A Yes. We go down there and the yardmaster will come out and tell us where he wants the cars put. There is a cross-over that leads over to what we call the icehouse and

the water track lead. If they want us to go there they throw the two switches.

Q Who throws those two switches?

A The front end switchman. He will find out from the yardmaster whether he wants them there or whether he wants them on the west side of the main lines. Sometimes they want them over there because what we take down is mostly shop cars that have to go to the rip track -- what we call the water track -- that leads to the rip track. We have to find out what has to be done before we can do anything and after we do that I just go straight on down the lead that I am following until the van comes to the cross-over switch and they stop me and they will cut the van off clear and we lift those cars back on the right-hand side. If not, we put them down on the water track.

Q How many cars do you pull from the here yard to the Keele Street place?

A Maybe 12 or 15 and sometimes we go down there with 3, 4 or 5.

Q After you have done that, what do you do? Do you leave this Keele Street location?

A No, when we get there on what we call the scales track if there are any local cars for us to take --

Q Will you wait just a moment. You have referred to the scales track, is that where you weigh



cars?

A The cars are weighed there, yes.

Q Okay?

A Sometimes there is a few cars stored there which they have for local jobs and that they don't want them mixed in with the other ones. We take those out of there and come back on to what you might call the main line leading east. It is not the main line but there is the four there and we back on to our van and we go on over. The switchman will tell us whether we have a car to take to Edmonde Street or maybe one to set off there so we go on over to Edmonde Street and he tells me if they are going to cut them off and then I can pull up. If we have anything to lift I generally stop far enough back for to allow us to lift the cars and while they are being coupled up not to tie up Symmington Avenue. The engineman will lift the gates until I ring the bell that I am going ahead and then he lowers the gate and then we carry on.

Q You have referred to Symmington Avenue. Is that the only street crossing you have had so far?

A No.

Q Please let me finish my question before you start to answer, Mr. Mountsteven. I said, is the Symmington Avenue crossing the only street crossing you have in your tour of duty so far or are there others?

A There is one.

Q Which?

A Olsen ~~Avenue~~. *Carruthers*

Q Now go ahead.

A Well, we go over to Dufferin Street and there may be some cars there to lift there **or** we might have some to let off. If there are none we carry on through and we have another crossing which is supplied with gates.

MR. LEWIS: Which is what?

THE CHAIRMAN: Supplied with gates.

MR. LEWIS: I am sorry, I did not hear the phrase "supplied with gates".

BY MR. LEWIS:

Q Please continue.

A We go on from there to Bathurst Street and at Bathurst Street -- I do not know, it may be the night shift that takes them out there -- and we generally have to lift some cars there for Carruthers at Leaside. And if we have any cars for the North Toronto job they don't want right away the yardmaster informs the work crew I presume at Keele Street to take these cars out and set them off at Bathurst Street.

Q Just tell us what you do because of the time. You take some cars off at Bathurst?

THE CHAIRMAN: He says it depends on his instructions.

BY MR. LEWIS:

Q It depends on your instructions whether you take some cars off or set some down?

A Yes.

Q Yes?

A And then we proceed on to Avenue Road. There is another local job there. We take out cars. He starts out at 7.30 in the morning.

Q Who is he?

A The North Toronto local -- what they call the North Toronto local. And then we pull around to North Toronto and if we have cars for him I give a couple of toots on the whistle or on the horn and he knows just what I mean and back he will come and I pull up and he will nose on to the cars to save him dropping them or running around them because he has to back up and couple on to them and he takes them off me and away he goes with the nose of his engine ready to place them down in his local sidings. Then we couple up to the van again and go on to Leaside.

Q And what local switchings or sidings do you have there?

A Well, we go to the Leaside station. We do not know what we have to do until we get there and the engineman has a switching list made out for the yard crews.

Q How many crossings do you have between Avenue Road until you get to Leaside?

A There are none between there when I leave Barclay Street just after the Symmington Avenue one until we get to what they call Pottery Road which is just coming into Leaside and which is protected with flashers and so forth.

Q So you have the Leaside station and what else at Leaside?

A Pardon?

Q You have the Leaside station and what else at Leaside? You say you do not know what you have to do until you get there?

A No.

Q What other switchings do you have to do at Leaside?

A That is where our switching starts for our industrial work.

Q Yes?

A We have to start off with -- the Peacock-McCuaig construction company is there and if they have anything to unload there we will put their cars down there and then we have the Pilkington Glass.

Q Yes?

A And we have the switching to^{do}/in there -- that is, if there is any cars they have to take in or if they have any empties to take out. And then just a short ways up there is ~~Carruthers~~^{Crothers} and if we have cars to put in there or take out we do.

Q What other places?

A We have to go past Leaside station again on the block signal indication up to the freight shed and there is a team track and the shed track there.

Q And that just about covers your territory, does it?

A Oh no, then we have to go on over and do the transfer at Leaside. Any cars we require out of the transfer and any that is in the transfer for the C.N.R. or any we have for the C.N.R. so we just pull ahead and back into the C.N.R. yard and leave their cars there for them.

Q Does that complete your schedule or have you some more that you do?

A No, we finish then in this way. We get a train out of the shop and then we start back and make the reverse movement to Lambton. There is no further switching except when we come back to North Toronto. There is always what we call the pool car at North Toronto that goes on 901 and when it is loaded and sealed there is another industrial job there and he is there waiting for to switch.

Q When you say "another industrial job" do you mean another crew or another engine?

A Another crew that starts in the afternoon.

Q Another engine that starts in the afternoon?

A Yes, he is there and when they have the car loaded and sealed he will pull that car out and put it on to our nose and then we nose back on to our train and proceed right up into Lambton yard.

Q Do you have a regular fireman with you? Have you had one since 1955?

A I have had one this last while, yes.
I have had one, you see, but one gets bumped and another comes on and the one we have now I have had him for probably a couple of months.

Q Well, can you remember a few of the names of the firemen you have had since you have been on the Leaside local?

A Oh yes.

Q Would you give them to me, please?

A I can only give you the regular men. I could not give you the names of all the spare men. There was Cliff Belanger -- it is pronounced Belanger in French.

Q You say there was Belanger?

A Yes, and Tommy Wilson.

Q Yes?

A Do you know MacCormick's name?

Q You just give the evidence, please. It is perfectly all right if you do not remember his first name.

A I do not know what his first name is.

THE CHAIRMAN: MacCormick will do.

THE WITNESS: MacCormick is his
last name.

BY MR. LEWIS:

Q Any others?

A At the present time now I have a fellow by
the name of Lloyd Palmer.

Q Do you have a regular ground crew that goes
with you?

A Yes.

Q They have been with you for some time?

A They have.

Q Who is the yard foreman? Do you have a yard foreman or a conductor?

A A yard foreman. Jack Bell.

Q How long has he been with you on this Leaside job?

A I could not tell you the exact month, but Jack has been with me for at least six months or so.

Q Before him you had somebody called Pat?

A Pat Walker.

Q He was with you for some time on this job?

A Yes, he was there part-time; I went on there in October 1955, up until approximately six months or so.

Q And the yardmen who have been there with Walker, do you know their names?

A Yes, Bert Morris, he is the field man.

Q Has he been on the job long?

A On our job?

Q Yes?

A He was there when I went there.

Q Since you went on this Leaside local job?

A Yes.

Q Do you know the name of the other one?

A Yes, Alex Watson.

Q Has he been there some time?

A Yes.

Q When I say "there", I mean this Leaside local job?

A Yes. Bob Cent was pensioned a year ago last January and he came on there then.

Q He would be there over a year?

A Yes.

BY THE CHAIRMAN:

Q Mr. Mountsteven, you have what I believe you referred to as a switchman, that is while you were moving. Is the switchman you spoke about one of the yard crew?

A Yes.

Q Is that an additional man?

A It is always a yard switchman.

Q I am asking you whether the switchman you referred to while the movement was taking place, was he one of the three yard crew, or was he another man?

HON. MR. McLAURIN: There are three of a yard crew, was the switchman one of those three?

THE WITNESS: The two men --

BY THE CHAIRMAN:

Q You have a yard crew of three men?

A Right.

Q When you were giving your evidence a little while ago you talked about a switchman.

A Well that is what we call them, the switchman.

Q The switchman you referred to, is that one member of this yard crew?

A Yes.

BY MR. LEWIS:

Q Mr. Sinclair asked you what the practice is on this Leaside local job and at one time your answer was that there is no location on this job where a switchman cannot give you the signals directly?

A Yes.

Q Is there any location on the job now where the same man, the switchman, gives signals through the fireman?

A Well now, this last month I have been getting a lot of car signals; like what I mean, one car, two cars, three cars.

Q You are not answering my question. I will give you a chance to answer in a moment, but I did not ask you that. You just answer me. When Mr. Sinclair was examining you you said there was no location on this Leaside local job where a switchman, meaning one of the ground crew, I suppose -- is that right?

A Right.

Q Could not signal directly?

A Yes.

Q I am asking you whether there is not a location on which the switchman does give signals to the fireman even if he could give them to you? Does he on any location give them to the fireman?

THE CHAIRMAN: And the fireman transmit them verbally to the engineer?

BY MR. LEWIS:

Q And the fireman transmit them to you. Is there any location like that?

A No.

Q None at all on this Leaside local job?

A No.

Q There is none?

A No.

Q Then you were saying something, in answer to my question, about in the last month or two you were getting --

A Car signals. He will give --

BY THE CHAIRMAN:

Q Who will.

A I never questioned him on it at all.

BY MR. SINCLAIR:

Q Who will give it?

A The fireman will call out, he will say "One car", "Two cars", "Three cars", and I have just seen him at times through the corner of my eye giving a motion. I don't know where he gets his signals from because I am taking mine through the switchman down there. Whether he is getting one from somebody else, I don't know.

Q You mean you caught him through the corner of your eye giving a motion?

A He would be sitting there like this, and here is my switchman down there giving me signals.

Q When did this happen?

A It happened this last month.

Q That would be with this fireman Mr. --

A Mr. Palmer.

Q Mr. Palmer?

A That is right.

Q He has been doing what?

A Calling out car signals. He never done it before since he was on the job, but this last month they have been calling these car signals. I mean I see him giving a signal like this from the corner of my eye, but my switchman is right down there, the one I am taking signals from.

Q The engine follower is on your side of the engine?

A Yes.

Q Riding on the --

A He is not riding, he is standing down there.

Q On the ground?

A Yes.

Q But you caught from the corner of your eye the fireman giving some signal?

A Giving a motion, yes.

Q To whom, do you know? You just saw the motion?

A Oh, I cannot say; he may be seen --

Q Don't tell me what he may be doing, just answer my question. Do you know whether he was signalling to somebody or making motions in general or not?

A No.

Q You could not know what he might be doing, you are just guessing on that?

A Yes. I mean to say, I have been seeing these

motions, and you don't like, when a man is trying to do a job, I don't try to discourage him from doing anything. He may be doing it in good faith. We know from where it comes.

Q What we?

A From the switches.

Q Where? You say you know where it comes from?

A I am going down the lead.

Q What lead?

A At Leaside.

Q At the station?

A No, there is no lead at the station.

Q Where?

A At the east end of the Leaside yard.

Q At the east end of the Leaside yard?

THE CHAIRMAN: The engine first or the cab first?

BY MR. LEWIS:

Q The engine first or the cab first?

A Well, we are backing up, do you see, with the back of the engine?

Q You are backing up. Would **you** mean that there would be cars coupled to the cab of the engine?

A Maybe one car coupled to the engine, or two cars.

Q You are pushing them down?

A Yes.

Q With the cab toward the cars?

A Right.

Q So what happens there?

A What question are you referring to no?

Q You were telling me what was happening at that point; you started to explain to me that the fireman was giving some kind of motion and you didn't want to discourage him from doing his job?

A What I mean was, there is the lead and the tracks run off this way.

BY THE CHAIRMAN:

Q Mr. Mountsteven, we have to get this down on the notes, and when you make finger motions on top of the witness box --

A I am trying to designate to Mr. Lewis how the curve is to the left.

Q I know what you are trying to do, but instead of using your fingers would you just describe it in words?

A This is --

BY MR. LEWIS:

Q You come off this lead at the west end of the Leaside yard?

THE CHAIRMAN: The east end.

BY MR. LEWIS:

Q You come off this lead at the west end of the Leaside yard?

THE CHAIRMAN: The east end.

BY MR. LEWIS:

Q The east end of Leaside yard?

A The east end of Leaside yard.

Q Then the tracks from that lead?

A Are to the left.

Q You mean they curve to the left or just go off to the left?

A They curve to the left and the switchman of our crew is there and he has given me the signal to back up, to slowly couple on to some cars there. and --

Q Excuse me --

MR. SINCLAIR: He said "and".

BY MR. LEWIS:

Q You go ahead and finish your answer.

A He coupled on to some cars and I am getting a signal from him to back up and the fireman, he will be making motions with his hands.

Q I do not hear you.

A The fireman, I have just seen him through the corner of my eye, as they say; I have seen him making motions, but I have my switchman down there on the ground.

BY THE CHAIRMAN:

Q Could he see that switchman?

A No.

Q Well then he must have seen somebody else?

A That is what I mean.

BY MR. LEWIS:

Q If you are sitting in there with the cab first, and there is a curve to the left, the curve would be on your side, is that it?

A The curve is on my side.

Q Because you are running cab first. If the curve is to the left it is on your side, so you would

naturally be getting the signals from your ground crew; as you say.

A Right.

Q Then you saw this motion made by the fireman?

A Yes.

Q Did you pay any attention to the fireman?

THE CHAIRMAN: Do not shake your head, say "No" if that is what you mean?

THE WITNESS: No. I forget there are others listening besides Mr. Lewis.

BY MR. LEWIS

Q You mentioned this motion, as you put it. You say that in the last month or so he has been signalling car lengths?

A Yes.

Q You have been an engineer since 1946 when you became a spare engineer?

A Yes.

Q You have worked a great deal in yards and on the road?

A Mostly on the road.

Q But some in yards?

A Yes, some in yards, yes.

Q This last month, this calling of car lengths to you, you never had that experience in 1946?

A On, no; you mean through my fireman?

Q You say the car lengths were called to you by the fireman?

A By the fireman, that is Lloyd Palmer.

Q He is your fireman now?

A Yes.

Q You say that during the last month you have had the experience of your present fireman calling car lengths?

A Right.

Q Every time before that when you worked in a yard you also had a fireman?

A I have had different ones and all have called car lengths, yes.

Q So Lloyd Palmer in calling the car lengths was not doing anything --

A There have been previous firemen who have called different car lengths, some hand cars and some long box cars.

Q Some what?

A Hand cars, some long box cars. I don't go by car lengths, they don't bother me; I go by signals.

Q You do not pay any attention to signals of car lengths?

A I find that different men have variations of distance.

Q Some cars are longer?

A To their imagination, yes.

Q To whose imagination?

A The fireman or anybody that gives them, that calls them out.

Q I am sorry, I do not understand you.

THE CHAIRMAN: He is saying that different people have different judgment as to what a car length actually is.

BY MR. LEWIS:

Q Is that what you mean?

A Yes.

Q Do they tell you it is this kind of car length or that kind of car length?

A No, that is what I mean; that is why I disregard them because if everybody had the same definition of the distance or length of a car, it would be all right, but as I say I have had a man call out "One car", and he would no sooner say it than we have bumped. I would say to him, "What is that, a hand car?" because hand cars are short.

Q There have been occasions, you say, when firemen have done that in the past?

A Yes.

Q Am I right in suggesting to you that most firemen have always been in the habit of giving these car length signals?

A In most of them; we have had some, and some don't.

Q Some don't?

A I don't ask for it and that is why probably I don't get them. Maybe somebody gets them, but I don't know, but I would far rather go on signal indications.

Q Mr. Mountsteven, how long did you say Mr. Palmer had been with you, that is Lloyd Palmer?

A He came on there, I would imagine, a couple of months ago or so; just exactly I don't know.

He bumped this McCormick and came on there.

Q A couple of months ago?

A Or maybe a little bit more.

Q He has been calling these car signals for only the past month or so?

A Right.

Q In the early part he did not bother, is that what you are saying?

A Pardon?

Q In the early part of his working with you he did not do so?

A No.

Q Just after a month or so he started calling these car signals?

A Yes.

G. Mountstevens

Q And I suppose you never ask the fireman for any information at all, do you?

A No, I don't.

Q Pardon?

A No, never ask him for any information.

In what regard would you be referring to?

Q I don't know. You tell me. Do you ask him for any information at all?

A Yes, I have asked him how his wife was, how his son is.

THE CHAIRMAN: Witness, you are being asked about the operation of the engine.

THE WITNESS: That is what I mean, if I could definitely --

MR. LEWIS: As far as I am concerned, you go ahead, Mr. Mountstevens.

THE CHAIRMAN: I know, Mr. Lewis, but we do not want to waste time about the health of the family.

MR. LEWIS: He knew perfectly well that was not what I meant in my question.

THE WITNESS: What I was trying to get you to do --

BY MR. LEWIS:

Q We are talking about your operation. Have you asked the fireman for any information connected with your work?

A Not as far as signals went.

Q Any other kind?

A Well, I might say to him about how much water was in the cooling system this morning.

Q How much water was in the cooling system this

G.Mountsteven

morning -- what would you mean?

A When he is on the engine, he comes in, he makes an inspection, he has been out and comes back in and I say, "How is the water in the cooling system this morning"?

Q Why would you ask him that? You have just inspected it yourself?

A I like to see if the man is telling me the truth, that I can depend on him.

Q Your are just checking up?

A Just checking up.

Q During your operation, during your movement would you ask him any questions?

A Not concerning the movement.

Q Anything at all, whether the lead was clear or anything on his side? You never ask him anything at all?

A No.

Q You just continue on?

A Because if the switch is clear ahead of me --

MR. LEWIS: Mr.Chairman, I would appreciate it if we could have our break now so that I can use it to speak to my people.

THE CHAIRMAN: All right.

-- Recess

... On resuming.

BY MR. LEWIS:

Q Now, Mr.Mountsteven, you tell us that you arrive for your shift at 9.25?

G. Mountstevens

A No, I say approximately. Sometimes it is earlier. I leave the house at 9 o'clock and I walk over from my place to the yard office in approximately ten minutes and probably on the way I would meet somebody and speak for a few minutes, but I am always early on the job.

Q And you are there approximately at 9.25 in the morning,

A Well, 9.20, 9.25.

Q When are you called for?

A Ten o'clock.

Q You are called for ten o'clock?

A Yes.

Q Or for 9.45?

A Called for 10 o'clock and we appear on duty at 9.45.

Q Called for ten o'clock and you appear on duty at 9.45?

A Yes.

Q And you usually appear, you say, about 20 minutes earlier?

A Twenty to 30 minutes earlier.

Q And during that 20 to 30 minutes you do all your reading of the bulletins and going over to the "here" yard?

A Yes.

Q And inspecting the engine? Is that right?

A Right.

Q You do that all before 9.45?

A Yes. I have made switching movements before

G. Mountstevens

that time.

Q You have made switching movements before your shift started?

A Yes.

Q Is that what you are saying?

THE CHAIRMAN: Don't nod. Say yes or no.

THE WITNESS: Yes.

BY MR. LEWIS:

Q You made switching movements before ten o'clock, before your shift started?

A Right.

Q And the fireman was not there yet?

A No.

Q When you made those switching movements?

A No.

Q When did you last do that?

A About a week ago.

Q About a week ago; and would your ground crew be there?

A No.

Q When you made your switching movement?

A No.

Q When you made your switching movement then you were just all alone?

A No; where we go in there, where our engines are, we have what they call the oil pumping station and if I am the last shift going out, and the last engine going out of there --

Q The last engine going out in the morning?

A Yes in the morning; the man who looks after the oil, there may be a couple of cars ahead, and where this pumping station is on the east end, probably on 11 track in the "here" yard, they have hoses running from that to the cars that bring the fuel oil, and if there happens to be a couple of cars there that are pretty well emptied on to No. 11 he will come to me and

say, "will you hook on to these cars?"

I will hook them on, act as a switchman, and he will just see that the joint is made and back these cars even with the other two cars.

If we are on No. 11 he will back those two cars back in with the other two cars that are back of this pumping station. Then, if there is any oil in them, those hoses are long enough to reach between those cars, and I have done that before the fireman or the yard crew have appeared on the scene.

Q And this man who gets you to back up there, is he the shop man?

A He is the maintainer, and he supplies the engine with equipment and supplies the oil to all the diesels coming in there, and when you require water or oil he will supply that to you.

Q Yes; so you get there about 9.25 and you make all these checks on the engine, you say?

A Right.

Q By the time the fireman gets there at 9.45?

A Right.

Q You have finished all the checks ?

A Yes.

Q Is that right?

A Yes.

Q Just give the answer so the reporter can take it down.

A Yes.

Q And does the fireman get to the "here" yard at 9.45 or later?

A Sometimes later, sometimes 9.50, 9.55.

Q Do you know whether he reads the bulletins before he gets to the "here" yard?

A I don't see him doing it, but I have heard him repeat things that he has seen on the bulletins, so I presume that he has done that.

Q When you say you have heard him repeat --

A To me; we have discussed different bulletins that have been put up.

Q You and he have discussed them; is that it?

A Yes, we have. He has come over and said something about it, and asked my viewpoint on it and I would answer and maybe ask him what he thought about it.

Q Suppose you turned up for work at 9.45 instead of 9.25?

A Yes.

Q 9.45 is the time you are expected to turn up?

A Yes.

Q Suppose you turned up at 9.45 ?

A Yes.

Q You would take, you told us, about 10 minutes reading the bulletin and checking your watch and getting over to the "here" yard?

A Right.

Q That would bring you to about five minutes to ten?

A Yes.

Q Would you be able to do all the checking that you told us you did in those remaining five minutes?

THE CHAIRMAN: Of the engine.

BY MR. LEWIS:

Q Checking of the engine in the remaining five minutes?

A Well, if you rush, terribly rushed.

Q If you rushed terribly you would.

A To get around to do it. You know, you would not be as observant as you would if you took a longer time.

Q Has it ever happened at all, do you remember, where you got to work at 9.45 instead of 20 minutes earlier ?

A No; that is one thing that I can prove and verify by yardmasters and switchmen going out ^{other} and/men that are going out who are ordered for 9.30, and I have spoke to them before they have pulled out of the shop track?

Q Have you ever asked your firemen to check any of these things at all, or have you always done it yourself?

A No. One day they had an engine that was running a little warm; it was heating up a bit.

Q Was that a diesel engine?

A Yes.

Q Yes.

A So he was sitting there and I said, "Lloyd would you mind opening that main vent?"

and the other side of the mountain.

The first of these is the

11

second of these is the

third of these is the

fourth of these is the

fifth of these is the

sixth of these is the

seventh of these is the

eighth of these is the

ninth of these is the

10

and the other side of the mountain.

11

The first of these is the

second of these is the

third of these is the

fourth of these is the

12

fifth of these is the

13

sixth of these is the

seventh of these is the

He said, "No"; so he went out and opened it.

Q That would be Lloyd Palmer?

A Yes, Lloyd Palmer.

Q The man with you now?

A Yes.

Q Is there any other occasion, or is that the only one that you can remember?

A That is the only one I can remember of asking him to do.

Q You have never asked the fireman to check fuel oil or check the flagging or anything like that?

A No, no. He does it; I have done it, and maybe when he comes into the engine and he is a little bit late I say, "Well, we need a couple of fusees, or a couple of torpedoes; I have told the shopman and he will be bringing them around," and I have asked the maintainer that has been maintaining if I am short of anything, a monkey wrench, or anything, and he would say, "All right, I will get it," and he will go to the shop and get it, over to the roundhouse and come back with it. Well, probably he would be down on my side, standing there, and Lloyd Palmer would be standing probably at the door and he would have the monkey wrench or a lantern, or something, and I would

say, "Lloyd, Jack is down there, do you mind getting these things," and it would save me climbing down, because all he has to do is to reach out and pick up these things, and he has never refused to do anything, any of these things that I have asked him.

Q Does Lloyd check the flagging kit himself?

A He does.

Q He checks some of the things that you have told us that you had checked before?

A Yes.

Q You were a fireman a long time, were you not?

A Quite a long time.

Q You were a fireman from 1926 to 1946?

A 1946, right.

Q When you were a fireman, I suppose in those years you fired only steam engines?

A Steam engines; I never fired a diesel.

Q You never were a diesel fireman?

A No.

Q On these steam engines did you do any checking yourself?

A Oh, yes, we used to have to check the flagging equipment and see that you had a poker because it was a very essential thing if you wanted to get over the road, and see that the shaker bar, and all these things were there, but in

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[illegible]

those days it was different than it is today.

Q Yes, different as far as checking is concerned?

A Yes.

Q In what way?

A Well, under the rules and regulations that the engineers used to have you tried to please him as much as you could because if you did not you did not go out the next trip; that is all, because he said he did not want you. If he said he did not want you, you did not go out; that is all there is to it. So it was more to please the locomotive engineer, to save a lot of argument, and so forth, later on, dispute, because you figured, if I can please him this morning he is going to be a little easier to follow when I get out, and it was very essential -- he was able to carry over the trip.

Q You did not do it because it was your duty; you did it only to please the engineer?

A I considered at that time it was my duty as well as him because if you were sure that you had all these things it was going to save you probably a lot of hard labour when you got out on the road.

Q But with the diesel none of that is necessary at all now?

A Not like it was then because, what I mean to say, there is not ~~near the~~ equipment that you require on a diesel that you had on the steam locomotive.

Q What do you mean by "near the equipment"?

A Well, you had to see that you had a couple of shovels, a shaker bar, a poker, and what we called the tank hook on the back of the tender so when you went to take the water you would have your tank hook to trip it, and a fellow had to have all these things. And when we were going out we made sure because it was to our own benefit as well as anybody else's that we had those because they were part of our tools on our job.

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Q But on the diesel you do not require the fireman to make any checks of flagging or oil pressure gauge, or this water-glass for the cooling system, or any of these things?

A That is fully the responsibility of the locomotive engineer.

Q How do you know that; how do you know it is fully the responsibility?

A I am responsible as the locomotive engineer for the condition of that engine before it leaves that shop, to see that there is water and fuel oil and governor oil and that the brakes

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and the sand is working because if I go out and run out of any of these things I know that I am going to be severely disciplined for doing so.

Q And when were you told that you yourself are responsible?

A When we pass our examinations and different times since then that the locomotive foreman has discussed it, the assistant superintendent has discussed it with us and the master mechanics and the travelling engineers.

Q Yes; you have been running a diesel since 1955?

A Yard diesel, yes.

Q Is that right?

A Right.

Q Well, say about a year ago today, or the summer of 1956?

A Yes.

Q Did you at that time ask the fireman to make any of these checks of the engine?

A No.

Q You never did?

A No. I may be different to other men, I do not know, but I am very suspicious and I trust nobody.

Q You have always done it yourself?

A I always like to know myself, and then I know. Even when I was on a steam

engine and we took water, the engineer is supposed to know that that tank is full of water when he takes it. Lots of the men on the tank let you know because they overflow it, and that is one way you know the tank is full. If not, by rules and regulations you are to get up and see that that tank is full.

Q And all through the period since 1955 that you have been running diesel engines you have never asked the fireman to make any of the checks; you have done it yourself?

A Done my own checks.

Q You have always during that period arrived twenty minutes early, have you?

A Always early; I have never been late in my life.

Q I am talking about since 1955?

A Never, never been late.

Q I am not talking about being late. You told me you arrived twenty to twenty-five minutes early?

A Early.

Q Have you always been that early?

A I have always been early. I make it a practice to leave the house at the same time; I walk exactly the same speed and I get over there, as I say, it might be five minutes, if I happen to meet

somebody on the street and just stop for a minute or two.

Q You told us that?

A Right; that is what I mean.

Q You always get there early. You said earlier, in answer to Mr. Justice Martineau, that it would take you between five and ten minutes to check the engine?

A Yes.

Q Is that right?

A Right.

Q That includes all the checking. Would it include checking the brakes, or is that checking done by a brake test?

A The only way that you can check your brakes without moving the movement either forward or back, and you would not get much of a check at that without a running start, is to see that your piston travel comes out a certain distance, and if it is over four inches you can figure that you have got, you may have a package of brand new brake shoes or you might have some worn brake shoes which would allow the piston travel to close in or come out further. It all depends on the brake shoes because it is the travel that you go by.

Q What I am asking you, Mr. Mountsteven, is this: you said it would take you from five to ten minutes; would that include everything as well as the draining of the reservoir?

A Draining of the reservoir?

Q Yes, you mentioned the draining of the reservoir.

A Oh, the air, yes.

Q Yes.

A Well, you just pull a valve and if there is any condensation you see it right there and just shut it. It is just a matter of a few seconds.

Q And that five to ten minutes includes the draining of the air reservoir and the checking^{of} the piston pull-out and the fuel oil and the flagging and all the other things in the cab; you check your lubricating oil, your governor oil and your water-cooling system and the filters and the sanders. All those things you take into the five or ten minutes or is anything outside of that time?

A No, as I say, if you take your time it would take, I would say, about ten minutes. That would be a fair average.

Q Would it be five or ten minutes? Which would be the fair average?

A Well, as I say, if the brake was on,

the independent brake, when you were on the ground you could see your piston travel, but if you had to get up in the locomotive and **apply** your hand-brake or your independent brake on, and then you would have to make another trip on down to the ground.

Q Mr. Mountsteven, my question I think is pretty simple. You said it takes from five to ten minutes?

A Right.

Q And then you said ten minutes would be a fair average. What I am asking you now is merely to tell the Commission whether five minutes would be a fair average or ten minutes would be a fair average?

A No, the medium of five minutes would be a minimum. You would rush along in five minutes if there was nothing detrimental that you had to take the second observation of. If it was a straight check and you could make a straight inspection and there was nothing that was detrimental then probably you could do it in five minutes.

Q But your fair average over the days would be nearer ten minutes, is that what you are saying?

A Right.

Q Pardon?

A I would say that would be close to right.

Q You said it would take longer in the winter time, I think, in answer to Mr. Sinclair?

A Yes.

Q What would be the reason for that?

A That is what I say, if there was ice and snow on the running boards outside. What I mean to say is that the running boards of the cab box, as some call it, might make for difficulty getting the engine room doors open. It might take a little longer in doing that.

Q Would the engine room doors be stuck sometimes because of the cold?

A There may be some snow. If the snow was blowing through that side of your diesel. We will say supposing there was a north wind blowing and the snow was coming in against the doors on that side -- on the other side it would be clear -- but there might be a bit of snow and stuff out there that might have frozen and you would have to give them a few pulls before they would open.

Q How much longer over the average of close to ten minutes would it take in the winter time?

A It would all depend on the amount of snow and stuff around the running gear

underneath that you would be more apt to take more observation of it than you would if you was to just walk along like and stand there. Suppose I walk along here and everything is clear, I can see three and a half set of feet there. I know they are there, but if there was snow or stuff around or anything obstructing that I would have to get down and glance to make sure.

Q Would you add another two minutes, three minutes, or five minutes?

A Probably five minutes.

Q You would add another five minutes in winter time, approximately, for that?

A Approximately around there, yes.

Q So that it would take three minutes to get to the here yard, an average of near to ten minutes to make the check in good weather and an average of close to fifteen minutes in winter weather?

A Yes.

Q Am I right?

A Approximately. I never timed myself exactly on the situation.

Q But that is your judgment?

A That is my version.

Q That is your judgment?

A Yes.

Q Concerning these cases where signals

may be passed through the fireman,
Mr. Mountsteven, you said that down town
there were about four jobs and you
mentioned the coach job?

A No, I did not mention the coach job.

Q I am sorry, I wrote that down. I must
have made a mistake. Did I?

A No, I did not mention it at all.

Q I was under the impression that you
mentioned the coach job?

A No, I did not mention the coach job at
all, did I?

Q You mentioned the Parkdale job?

A No.

HON. MR. McLAURIN: The witness
referred to the Victory Mills job and the
Circle job.

BY MR. LEWIS:

Q You referred to the Victory Mills job,
the Circle job, and I believe the
Ashbridge's Bay job. I thought you
mentioned the Parkdale job as well as
the Victory Mills job; was I mistaken
on that?

A The Parkdale job?

Q Yes, the Parkdale job?

A No, there is the Parkdale yard. The
other jobs I mentioned are away down
at the waterfront.

Q Can you tell us about any other aside

from the three you mentioned, the Victory Mills, the Ashbridge's Bay and the Circle?

A No, in eight years' time, we will say, it is kind of hard to visualize.

THE CHAIRMAN: Well, Mr. Lewis, I am a little confused now. I thought there were only three of those places the witness mentioned before where this left-hand passing might occur. Do I now understand that he said Parkdale also was the fourth?

MR. LEWIS: According to my notes, Mr. Chairman -- and I may have been wrong -- he said there were about four jobs around the Mills. He said one track turned left and another track turned right and then I have in my notes that he mentioned the Coach job, the Parkdale job, the Victory Mills job and so forth.

THE CHAIRMAN: You might clear that up. He mentioned three and you might find out if there is another one.

HON. MR. MARTINEAU: He had mentioned the number four to begin with.

MR. LEWIS: Yes, he mentioned the number four and I am just trying to find out what made up that number four.

BY MR. LEWIS:

Q Mr. Mountsteven, you say that Victory Mills is a place where they give the signals to the fireman, as far as you

remember?

A Yes.

Q And the Circle job is another?

A Yes, in the Circle job there.

Q Is that one switching job or more than one?

A How do you mean?

Q The Circle job?

A That is an industrial job.

Q Is it one siding or more than one siding?

A Well, it could be, yes. There may be a couple of sidings. As I say, I am not quite familiar with those jobs down there now as there is places being built up and I do not want to definitely say that there is on not being down there because there has been new sidings added down there and so forth and I am just giving you a resume of what I can remember of observing during my tour down there eight years ago.

Q And you mentioned Ashbridge's Bay?

A Yes.

Q You mentioned that as one of the places. Are there any others that you can recall?

A Not that I can recall.

Q What about the Shell Oil yard?

A I could not tell you because I do not recollect the Shell Oil yard.

Q You do not recollect that?

A No.

Q You mentioned the Emery ~~Weigh~~^{way} freight;
when did you work on that?

A Two years ago.

Q Two years ago?

A Right.

Q And that is considered a road job, isn't
it?

A Yes, it is a road switcher; what they
call a road switcher.

Q Pardon?

A It is what they call a road switching job.

Q And you had a diesel on that road
switching job, did you? You had a road
switching diesel on that job?

A I used both steam and diesel on that job.
Two years ago we had a diesel on there.

Q And there is no place on that job where
the signals were passed through the
fireman to you?

A No, I cannot recollect any place in there
where I was not in view of one of the
brake men.

Q You cannot recollect any place on that
job where you did not take the signals
directly from the brakeman yourself, is
that what you are saying?

A Right.

Q Pardon?

A That is right.

Q Yes; and do you not check your watch with your fireman on a diesel?

A Pardon?

Q Do you check your watch with the fireman or have the fireman check his watch with yours on the diesel?

A Yes, we have compared our times and when we get to -- if there is any controversy regarding either one of our watches -- when we get to Leaside station they have the accurate time there and we have went into the station and compared our watches and seen who was right and who was wrong.

Q Would you get any train orders on the Emery ^{way}~~weigh~~freight?

A Oh, yes, we get some train orders there.

Q Would you discuss the train orders with the fireman?

A Do we discuss them?

Q Yes?

A Oh yes, the brakeman and the fireman and that, read them over and repeat them to me.

Q And who was the conductor and who were the two brakemen on the Emery weigh-freight job, do you remember?

A Yes. The conductor was Hap. Hazelfelt. We call him "Hap". I could not tell you his name.

Q Hazelfelt?

A Yes, Hazelfelt. And there was Mort Morris.

Q Yes?

A And also a fellow by the name of Scott. I do not know his first name offhand. And there was Smokey Joe. I cannot think of his other name; they called him "Smokey Joe". There were three brakemen and the conductor.

Q Three brakemen and the conductor?

A Yes.

Q They did not work with you all at the same time, did they?

A Oh yes.

Q You had three brakemen and a conductor on this job?

A Yes, there was then on that job and I presume there is yet.

Q You had a crew of four?

A Yes.

Q We have been told that usually there is a crew of three?

A Well, out there there is a considerable lot of flagging to be done and protection for moving on the main line and I presume that the fourth man is generally used for flagging purposes because when we used to be coming in when I was on the main line and coming down^{if}/there would be any out there they would get

the list of the train that was coming and when they would be along approximately so this man went out flagging. Now, I had not seen anything in writing about why the fourth man --

THE CHAIRMAN: It is all right; you are just being asked the facts.

BY MR. LEWIS:

Q You just had the conductor and the three brakemen on the Emery ~~weigh~~^{way}freight job?

A Yes.

Q This was true every time you went out on the job? That was the crew?

A Yes.

Q You had a crew of four?

A Yes, always.

Q You have worked, have you, the MacTier subdivision?

A Right.

Q Do you remember any place on that subdivision where you have signals passed through the fireman or was there any?

A Well, no -- Years ago when at Madonte when the old station was there and the ducket -- what we call the ducket -- where the man was up in this ducket and the C.N.R. crosses the C.P.R. at the diamond they had levers up there where they used to throw the signal and so forth, and when it was up there

it was kind of hard for to see around the bend if you were placing cars in on the Port McNichol side.

Q Pardon?

MR. SINCLAIR: The Port McNichol side.

BY MR. LEWIS:

Q Yes?

A Since then the station has been removed and the ducket has been removed so you have a pretty clear view there and if you have a volume of cars to put in there what I suggest they do is go up the Orillia branch and by going up the Orillia branch you have a full view of your movement there.

Q When was the last time you were on the MacTier subdivision, do you remember?

A A year ago last October.

Q Were you driving a diesel or a steam engine?

A On some trips you would have a diesel and on some trips you would have steam. There was a variation.

Q Did you yourself go up on this Orillia branch?

A Yes.

Q You yourself did that?

A Yes, I have been up on the Orillia branch.

Q And at that time you have a clear view?

A Yes.

Q You go up a different track?

A Well, you go straight along the main line--
what we call the main line.

Q Yes, and then you place the cars or set
cars off or take cars on at Madonte in
that case too, do you?

A Are you referring to the Port McNichol
side or the Madonte yard?

Q Well, you referred to it.

A Yes.

Q Tell me which you refer to?

A You asked me was there any place where
it was hard for to take signals and that
is the reason --

Q No, I did not ask you that. I asked
you whether there was any place where in
facts signals were given through the
fireman?

3)

A Well, that is what I said. When it was
difficult at those times when the station
was there and the ducket was there there
were times you might have to have the
fireman check, and you would say, "Can
you see the brakeman back there?" And
you might ask, "How far away from such
and such a car are we?" You know, the
cars in there.

Q How would he give you the answer?

A Pardon?

Q If you asked him how far away from such and such a car you were, what answer would he give you?

A He would give me a slow sign.

Q If you asked him how far away from such and such a car you were, what answer would he give you?

A I do not know because I do not know what side we are going in.

Q When you had that information what kind of answer would he give you?

A He would not give me any because immediately I would apply the brake and go in so slow that I was sure I was not going to do any damage no matter how or where we went.

Q Every time you asked, "How far are we from such and such a car," he never gave you an answer? He did not say, "Two or three cars"?

A He told me manys the time he could not see and I might say, "How far are we away from such and such a car," and he would say, "Maybe a car length or a couple of car lengths." Well then, when he would say that I did not care how far we were because I would put the brake on and wait and eventually the brakeman would come out and maybe give us the go ahead sign. He would find

out if there was some car in there maybe we wanted.

Q You would ask him pretty regularly how far you were away from such and such a car?

A No, no. If we had a great volume of cars putting in there -- supposing you went up and had a bunch of empties to go into Port McNichol, why, the other yard might be congested and when you were going by the station they would usually put these cars in the Port side --

Q That is the Port McNichol side?

A Yes.

Q About this time, a year ago last October, when you were working this subdivision, sometimes with a diesel and sometimes with steam, did you ever take signals through the fireman?

A I do not remember taking any through the fireman.

Q You do not remember the fireman taking signals on his side?

A No.

Q Not even at midnight?

MR. SINCLAIR: You are shaking your head again, Mr. Mountsteven.

THE CHAIRMAN: Please say, "No" or "Yes", Mr. Mountsteven.

BY MR. LEWIS:

Q You do not remember taking any signals from the fireman, not even at midnight?

A No.

HON. MR. MARTINEAU: What is the name the witness referred to -- Madonte?

MR. SINCLAIR: It is the name of a subdivision.

MR. LEWIS: Yes, it is a station on the MacTier subdivision.

BY THE CHAIRMAN:

Q Before you get too far away from Mr. Lewis, Mr. Mountsteven, let me ask you this. You have just spoken about a situation --

A Pardon?

Q You have just spoken about a situation up near MacTier where you say the signals would be given to you by word of mouth from the fireman. Where were the crew at that time?

A That is what I am saying. If you had a bunch of cars and that is being done -- before the conductor or the tail-end brakeman got up there and we wanted to start the movement before they arrived there, but as a rule if you had a bunch of cars, the conductor and the brakeman would come up because they would not have too far to walk from the end of

the van to where the cut was being made. They would make the cut and the front end brakeman would stay with you. But if you only had a few cars the front-end brakeman would drop off and pull the pin and you would go on and make your reverse movement because you have to make it through block signal indication before you can make a reverse movement and the man in the station, the operator at the station at Madonte, he will give you the rail to go down the Port side so the brakeman would have the switches lined up and be back by that time where he wanted to go and he could walk out where the station is and give you a back-up sign and lead you in on signal indications to the yard.

Q Mr. Mountsteven, I just asked you where the yard crew were at the time that you say in those days you got a signal through the fireman -- just at that time where were the yard crew?

A They would be back farther in the train, you see.

Q How many yard crew did you have?

A It is a train crew, do you see, out on the main line --

Q Oh, yes, but how many train crew would you have?

A Three.

Q Would you say they would all be at the back end of the train?

A Oh, no, you always have your front-end man riding in the engine with you at all times.

Q Well, where was the front-end man then, when you were receiving the signals from the fireman? That is all I want to know.

A He would be back making the switch -- throwing the switch to go into the yard.

Q Would that be at the front of the engine?

A No, back of the cars, you see, because we would be backing in.

Q Then he would be back with the other two train crew some place?

A Yes. What I mean to say is that to explain it I --

THE CHAIRMAN: Would you speak slowly, Mr. Mountsteven, and turn slightly so that Mr. Lewis can hear you?

HON. MR. MARTINEAU: Speak a little bit also, now, on our side. Speak between us.

MR. SINCLAIR: Look across the middle.

MR. LEWIS: Face the clock when you speak, Mr. Mountsteven, and please raise your voice.

THE WITNESS: You want me to answer that question again?

BY THE CHAIRMAN:

Q I am not clear just what your answer is. I asked you where the yard crew were when you found it necessary to ask the fireman or get instructions through signals?

A As I say, the switchman or the brakeman would be over probably throwing the switch and we would be sitting there waiting and I would ask the fireman maybe how far we were inside, just waiting for a minute or so for that man to walk out to where I could see him.

Q You can see this picture but I cannot. Where is the switch you are talking about with relation to your engine?

A He would be -- well, the distance of a car away; I will refer it down, we will say six cars; he would be back six cars from the engine.

Q And you would be in the cab?

A In the cab.

Q And the cars were behind the cab?

A Behind the engine.

Q He is six cars further back?

A Further back.

THE CHAIRMAN: You know what I have in mind.

MR. LEWIS: Shall I clear it up now or after adjournment? I have two or three other matters to deal with.

---The Commission adjourned at 12.40 p.m.
until 2.15 p.m.

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Monday,

March 25, 1957.

AFTERNOON SESSION

---The Commission resumed at 2.15 p.m.

GEORGE MOUNTSTEVEN, recalled, examined

BY MR. LEWIS:

Q Mr. Mountsteven, when we adjourned for lunch the Chairman had asked you where the ground crew was at the time when you were taking signals through the fireman. The Chairman suggested we might pursue that. First of all, am I right in remembering that you said you were taking signals from the fireman at Medonte on the MacTier subdivision some years ago when there was a station and what do you call it, a ducket at Medonte?

THE CHAIRMAN: What is that?

MR. SINCLAIR: I call it a signal tower.

BY MR. LEWIS:

Q The Chairman asked you, Mr. Mountsteven, where were the three members of the train crew at the time when the fireman received the signals and transmitted them to you?

A They were at the back end of the train.

Q Am I right in this? In those years, as

you have described the conditions, to go to MacTier you would go north?

A You are going north.

Q In those years the station was on the west side?

A Yes, it would be on the left-hand, the same side as the signal tower would be.

Q They were both on the west side of the track?

A Of the track that you are going north on.

THE CHAIRMAN: Is the tower north or south of the station?

BY MR. LEWIS:

Q Was the tower north or south of the station? It was north, was it not?

A It was north of the station.

Q There was a C.N.R. diamond?

A There is a C.N.R. diamond right at the edge of the signal tower.

Q The tower --

A. The signal tower is right north, just a few feet north of the C.N.R. track.

Q And the station was in those years south of the C.N.R. track?

A Of the C.N.R. track.

Q You would be pulling the train going north, that is the engine would lead the movement?

A Yes.

Q The engine did lead the movement?

A The engine did lead the movement.

Q The cars were attached to the cab of the engine?

A Right.

Q It was a steam engine?

A A steam engine.

Q The tender would be leading the movement?

A Yes.

Q The cars were attached to the cab of the engine?

A Yes.

Q In those years --

A The tender.

Q And you would be pulling the train going north?

A Right.

Q Until you crossed the C.N.R. diamond?

A Until you crossed the C.N.R. diamond and passed the block signal.

Q And then you would start backing down?

A When you got to the block signal and -- maybe if I talked a little slower than I have it would give everyone a chance to diagnose it and you would follow me through -- we have stopped at the block signal. The ~~tail~~^{head}-end man who made the cut of six cars -- we will use that as a designation -- he rides the tail-end car up to the block signal. When the tail-end car gets past the north

block signal he swings to the ground and stops.

Q You had three men with you in those years, as I understand; one man who would be the engine follower; is that what you said?

A Engine follower.

Q He got off the engine to pull the pin and cut the cars off?

A That is right.

BY THE CHAIRMAN:

Q Is this a yard crew or a road crew?

A Road crew.

Q There is no engine follower on a road crew?

MR. LEWIS: It would be the head-end brakeman; that was my fault.

HON. MR. MARTINEAU: At what moment would that be done?

BY MR. LEWIS:

Q At what moment would the head-end brakemen get off the engine, out of the cab of the engine to pull the pin?

A When you are going north there is two block signals there, one at the south of the switch that leads into the MacTier yard. You would pull your cars up and leave room so as when you came back from putting your switch movement your engine would be clear of

this block so he could get the block to proceed north again. So you stop back far enough to get the block and he goes back and cuts your six cars off and then you proceed north, as the procedure that you just said.

Q At this point where are the two other members of the crew?

A They would be at the rear of the train.

Q They would be in the caboose?

A Well, I wouldn't say they were in the caboose, they would be back there in the rear seeing that we had cut off or something.

BY THE CHAIRMAN:

Q May I just follow you. When this first stop is made the head-end trainman who has up to that moment been riding in the engine gets out onto the ground?

A Yes.

Q And he goes back to the place where the train is to be cut in two?

A To be cut.

Q He pulls the pin, and then what happens?

A He will pull the pin and give you a signal to proceed and he will get on.

Q Proceed in what direction?

A North.

Q To go north, and you are on this siding at the time?

A Yes, he is on my side.

Q The train is on the siding?

A No, we are on the main line.

Q What happened about the switch which you say was the first switch you came to; did anything happen at that switch?

A No, because the switch will be our track in; the switch is north of where you cut off; that leads into the MacTier yard; that is east of the yard.

Q You said as the train was coming north you came to a switch?

A A block signal.

Q We can forget about any switch up to this time?

A Yes.

Q You come to the block signal and the train stops and then this head-end brakeman gets out onto the ground and he goes back and pulls the pin at the proper car and gives you the signal to go ahead?

A Yes.

Q You go ahead and then what?

BY MR. LEWIS:

Q You go ahead and then the head-end brakeman rides, I think you said, the last car?

A Yes.

Q Of your movement?

A Yes.

Q And the other ground crew would be at the rear with the remainder of the train?

A They are with the remainder of the train at the rear.

Q That you left behind?

A Yes.

Q Then you go out past the station and past the signal tower; is that right?

A Right.

Q Past the second block signal that you are talking about?

A That is right.

Q And you are still going north?

A Still going north.

Q You are still going north and you have with you only the head-end brakeman on the train?

A That is right.

Q After you pass the northern block signal, am I right; then you get a signal to stop?

A Yes.

THE CHAIRMAN: From?

BY MR. LEWIS:

Q You get that from the head-end brakeman?

A Yes.

Q At the end, at the tail end of the movement?

A Yes.

Q Is that right?

A That is right.

Q So you stop, am I right, if the block signal is green or yellow?

A Yellow; mostly yellow.

Q You start backing down?

A Backing down.

Q Into the station?

A In on the main line leading to Port McNichol.

Q The main line leading to Port McNichol and those Port McNichol tracks are west of your main MacTier track?

A Yes, they are, between the Port McNichol and MacTier north siding.

BY THE CHAIRMAN:

Q That is, the backing movement is going to land the engine and the cars to the west of the station, is that right?

A Yes.

Q Backing down on the west side of the station?

A West of the station.

Q Do you start that backward movement by reason of a light on the block signal or by reason of a signal given to you by the head-end brakeman?

A We got to wait there until we get the block signal because it is electrified and the switch that leads out on to the main line is controlled by an electric movement.

Q You see that the signal is in proper shape. Then do you get a signal from the head-end brakeman to move?

A In reverse movement.

Q He gives you a signal to start backing up?

A He gives me a signal to start backing up.

BY MR. LEWIS:

Q I am still talking of those years when the station and the ducket were where they were, before they were moved. On which side of this on your main track going to MacTier is the southerly block signal, the first block signal you hit coming from Toronto to MacTier?

A It is south -- well, the first one you get to is south of the station.

Q On which side of the track?

A It is on the right-hand side, the engineer's side.

Q On the east side of the track?

A On the east side.

Q Going north?

A Going north.

Q On the east side of the track. The second one that you hit, which is in the place where the signal tower used to be, or near it, was on which side?

A North; it is on the left-hand side.

Q On the west side?

A West side.

Q On the fireman's side?

A On the fireman's side.

Q Now then, you cannot as an engineer see that second northerly signal?

A No, you cannot see it.

Q On whom do you rely for giving you information about this northern block signal which is on the fireman's side?

A On the trainman who was riding the tail-end car because he would pass that back; you could not get it until he had passed it back, and when he got a little back from wherever he might be he gives you the reverse signal.

BY THE CHAIRMAN:

Q If I may follow that. You said as you went north you had a head-end brakeman or trainman riding on the car?

A On the car.

Q Which was the last car from you?

A The last car, that is right.

Q Now you are talking about him being on the ground; when did he get on the ground?

A When he swung his lantern and we stopped and he stepped out onto the ground.

Q Then you say you could not see this block signal yourself?

A No.

Q I presume you backed up when you got

the lantern signal from the trainman after he had stepped off?

A That is right.

BY MR. LEWIS:

Q At that point, Mr. Mountsteven, did you not ask your fireman to tell you what the signal indication was?

A No. We was waiting for the signal from the tail end because you might get a yellow block and the tail-end man wants you to move. I like to wait for a signal indication from the man who is on the ground.

Q I am asking you this: at the point when you passed the signal block?

A Yes.

Q You had stopped and the head-end brakeman who was on the rear end of the movement had got off the car and onto the ground?

A Yes.

Q I am asking you where it was you started your back-up movement. You did or did not ask the fireman what the block signal indication was?

A I didn't.

Q You never did?

A No.

Q You never did?

A No.

Q You know your rules very well, I have no doubt?

A Pardon?

Q You know your rules well?

A I am no expert on them.

Q But you have written them every three years or so?

A Yes.

Q Exhibit 22, Mr. Chairman, rule 34 on page 7, the second sentence, reads, Mr. Mountsteven:

"All members of engine and train crews must when practicable communicate to each other by its name the indication of each signal effecting the movement of their train or engine."

MR. SINCLAIR: Do you want to have it before the witness?

MR. LEWIS: I think it would be helpful. Thank you. It is rule 34 on page 37.

THE WITNESS: That is right.

BY MR. LEWIS:

Q I have just read the rule to you. If you rely only on this brakeman who is at the back of the cars to signal to you by hand, no one had communicated to you by its name the indication of the signal. Isn't that so?

A I was mistaken in your question, Mr. Lewis that you asked me. You asked me "Did I ask the fireman?"

Q Yes, and you said no.

A No. I did not.

Q Oh, I see. Do you mean that the fireman told you without your asking him?

A He quite often did.

Q He told you --

A Told me the colour of the block had changed and that it was a yellow and as I say he could tell me that but still I would not move without a signal from the ground.

Q Yes, I understand that, because there might be some reason, you said, why this brakeman might not want you to move anyway?

A That is right.

Q But you are now telling me they would be times when the fireman would "sing out" if I can put it that way, the signal indication?

A Yes.

Q If he did not, would you ask him about it
would
or/you not bother to find out from him?

A I have quite often asked the fireman for block signal indications on those things, but if the fireman was busy, if we were having trouble, possibly, with the engine, I did not interfere with him. I would decide whether I figured it would be practical to take him away from cleaning his fire and so on; if he

was doing that, or doing something in the engine, I would not. But otherwise, the fireman generally used to call it out. Perhaps, as I say, I did not move without the signal.

Q Not without the brakeman's signal?

A No.

Q All right, Mr. Mountsteven, am I right in putting this to you: that the fireman usually called the signal indication to you?

A Usually, yes.

Q Am I right in suggesting^{to} you that if he did not himself call the^{signal} indication to you, you would ask for it unless the fireman was somewhere else?

A As a general rule.

Q And your only exception is that if the fireman was busy fixing the fire or something was wrong, you might not bother him?

A I might not bother him. I would depend on the tail-end brakeman who was back there to give me the signal. I had to depend on that.

Q But that would not happen very often?

A Not very often.

Q No. This station and ducket that were on the west of the MacTier track -- the ducket has been removed entirely?

A That is right.

Q And the station has been moved down south?

A Practically a mile.

THE CHAIRMAN: Is that a little wooden frame building?

MR. LEWIS: Is it a wooden frame building?

THE WITNESS: It might be wooden. It is covered with insul-brick.

THE CHAIRMAN: Near Lac Joseph -- no, I am thinking of something else.

BY MR. LEWIS:

Q The station has been moved down south about a mile and, you say, it is covered with insul-brick? Was it wooden, where it stood before?

A It was.

Q What difference did the station and the ducket make when they were standing there to the passing of the signal?

MR. SINCLAIR: Mr. Chairman, I think that Lac Joseph is near MacTier. This is near Coldwater.

THE CHAIRMAN: North of MacTier.

MR. SINCLAIR: South. Substantially south.

BY MR. LEWIS:

Q I was asking you to explain why it was necessary to take signals from the fireman in the olden days when the station and the ducket were on the west side of the

track going north.

A Well, the ducket would obscure a fireman's signals to a certain extent.

Q Obscure your signals?

A The fireman's, if he was looking back it was on the fireman's side, and with the station -- the station was the biggest problem.

BY THE CHAIRMAN:

Q But is not this block signal that we have been discussing north of the station and north of the ducket?

A What I meant to say was that the station was more detrimental than the ducket was because when you are going around the bend, going west on the Port McNicholl side the station was between the MacTier main line and the Port McNicholl main line in a "V" so when that station was moved instead of the brakeman having to walk away out past the station to give you a signal, now he can stand in the "V" where the station stood and give you a signal.

Q Formerly he would have to move --

A He would have to travel further east over to the main line -- the north end of the MacTier main line to give it.

Q But so far as your view before you started your back-up movement is concerned the block signal is in exactly the same position as it has always

been and you cannot see before you back up?

A That is right.

BY MR. LEWIS:

Q You are saying that when the station was in the "V" it obscured your vision as far as the brakeman was concerned?

A On signal indication.

Q On hand signal indication?

A On hand signal indication.

Q And the brakeman in order for you to see him would have had to go a distance east?

A To go east. Yes.

Q I understand, perhaps -- my instructions may not be correct -- that east of this main track to ^{MacTier}~~McIntyre~~ there is a swamp and so on. Is that right?

A Well, of course, if you walk across it -- I have walked across there and picked strawberries so it isn't very swampy.

Q I am just asking you. If it is not very swampy in your opinion --

A Further down past the station or south of the station there are two big holes dug there. Nobody knows how deep they are because there was a quarry -- they dug the holes to start a quarry but they could not go any further because of a spring, so they have always been full of water ever since and there is a certain amount of water around there.

Q Now you told me you take six cars as an example -- "designation" I think was the word you used --

A Right.

Q Do you set off six cars?

A I set off one.

Q What would you set off most of the time?

A One. Maybe he will have 25 cars.

Q As often as six?

A I would not say as often as six.

Q Would you have 15 cars as often as six?

A You might have -- or I might have.

Q In your experience, Mr. Mountsteven, do you state you have 15 cars as often as you set off six?

A I would say it would be just as apt to be 15 as it would be to be six.

Q Can you remember whether in fact -- if you cannot just say so -- can you remember whether in fact you set off 15 cars as often as you set off only six cars at this Medonte siding?

A Are you referring to myself, because I can give you a very direct answer.

Q Yes, to yourself. You are talking about your own experience. I do not believe you are speaking for anybody else.

A No, I would say I set off four cars more often than anything else.

Q Do you say that you set off four most of the time?

A That is right.

Q That was your experience on that subdivision?

A Yes.

BY THE CHAIRMAN:

Q There is one thing, Mr. Mountsteven, that I am not clear on. After the train made its first stop, and there was a cutting off of the cars it then went north with the head end trainman on the rear car?

A That ~~is~~ right.

Q And did it go north past the the block signal?

A That is right.

Q Did the rear end of the last car go north of that signal?

A It did.

C So that the rear end of the last car, being north of that signal, would be north of the

ducket and north of the station?

A That is right.

Q Now before you move at all to back up -- I know you cannot see the block signal itself -- you waited for a signal from the head end trainman who was on the ground?

A Right.

Q Where has he to be on the ground?

On your side?

A He would be, when he gave me the signal, sometimes when he stopped me, he would be at least a car or two car lengths north of the block. He would walk across behind the car over in front of the block signal, probably to get a better view and when he got the block signal he would come back, and that is why I waited until he came back on my side and gave me the reverse movement signal.

Q He goes back, and you move on his signal?

A Yes.

Q The thing I don't follow is how either the ducket or the station would have anything to do with where he stood, or with your seeing him, because you are north of both of them?

A No, what we were referring to, sir, was when we were going back to make our movement into the Port Mc Nicoll yard.

Q When you are taking it --

A Taking it into the yard.

Q But before you start to back up, the ducket or the station have nothing to do with it?



A Nothing whatsoever.

Q Where does the head end trainman ride?

A He gets on the end of the car on my side.

Q Then what?

A He goes down a short way and gets out of view.

Q Isn't he riding on the car?

A He is, but when you back up, then your curve turns to the right -- the mainline runs off.

Q And he disappears from your view?

A He disappears from my view.

Q And then what?

A He has not got very far to go, and he will go down and throw the switch that leads off the Port McNicoll mainline into the Port McNicoll yard.

Q And then what?

A And then, as I say, he may stand there and give a signal back there, and the fireman might say, "He is giving us the back-up sign on my side." Then I will back up slowly on that side and he, when he gives the back-up sign and sees us starting to move, generally he will walk over across on to my side.

Q Yes, and that is the time when the station or the ducket might interfere with your view?

A When the station used to interfere with the view.

Q At that time he would have to go further east in order for you to see him, or he would have to go down to the swampy ground you talked about?

A I am sorry. If you will just excuse me a minute

on that. Maybe I was confused about the question that was asked me about the swamp. The question said "on the east side of the track at Medonte" It is on the west side between the Mactier mainline on the Port McNicoll sidings where the swamp is. It is in there.

Q Then the only effect of the ducket and the station was, at the time you have been speaking of, that the head end trainman had to go further east so that these two things would not interfere with his vision, or yours of him?

A Yes.

Q Now that these things are out of the way --

A Why, he can walk across and then pull in and then go walking right across to the main line, and he can give me the signal. If we were going into No.3 he could not very well make the joint, throw the movement and at the same time give the signal to the fireman.

Q All right. You have this in your mind, but we know nothing about it, so you will have to paint the picture so that we can follow. I follow it, perhaps, slower than anyone else in the room.

A With me, I am used to talking to railroaders who understand all of it. This is railroad talk.

BY MR. LEWIS:

Q Let us say/^{he}signals you into track No.3 --

A Track 2 or 3, whatever it may be.

Q You have mentioned No.3 as an example, so let's stick to it. He is out there in the "V" watching

over the movement, left of the MacTier track, signalling you down.

A Yes, if we have a lot of cars, but we may have down there with six or seven cars in quite plain view of him because it is coming in on the left side, or the left side of the reverse movement.

Q You have passed that curve?

A Just by the curve.

BY THE CHAIRMAN: There is one thing that occurs to me. All this time the conductor and the other trainmen are sitting at the rear end of the cars you left?

A Yes, if we had, we will say, 60 or 70 cars and we just took a few off the front end and made that movement, it could be made because you could have your movement made and be back on the train before they could walk up.

BY MR. LEWIS:

Q You said, I think, that four cars was the most usual, is that right?

A Right.

Q You set off four cars?

A I have.

Q You have, yes. By the way is there some kind of record kept of the size of trains -- the number of cars you set off, and so on?

A No, but there are supply cars that are sent up on certain trains, and it is set off on the Port side, and then the Orillia chap that runs from

Port McNicoll to Orillia will have those ~~cards~~ *cars* and take them with him.

Q Is there any record -- do you have any record, order, or train order or anything of that nature on which you would record how many cars you set off?

A I don't keep or get any record, only from the information of the front end trainman who gets his instructions from his conductor how many cars, and when we would be getting up to this ducket the front end man would say to me: "We have four cars" or whatever else it might be, one car, or six cars, the number he was to set off before we came to the block so that I would know where to stop so that the engine would be still clear of the signals when we made our reverse movement and were prepared to go north.

Q You had to come down south of the block signal --

A We would have to go past the block again, make the reverse movement and then go down on to our train we originally had.

Q Am I right in getting this picture: You are saying you go down into the Port McNicol tracks, whatever track it may be, and set your cars off there?

A Right.

Q And then, I suppose, your engine is light from then on?

A It would be light from then on.

Q And then you would run the engine back again, north on to the Mactier line and then take it down again to the curve you have mentioned?

A Right.

Q And you want to be sure, when you come down on the Port McNicol track that your engine is clear of the signal block so that you can pull out again. Is that correct?

A That is right.

Q And the conductor, you say, may have a record of the cars that have to be set off?

A Yes, and he would likely give the front end man or brakeman a list with those cars on.

Q And now I come to another point. Did you work as a ~~foreman~~ ^{fireman} at Port McNicol?

A I did.

Q Is that the yard we have been discussing, or

is it another yard?

A No, it is at Madonte. It is 14 miles from where we are discussing.

Q The tracks we have discussed are the tracks on the Port McNicol sidings. Now, when I ask you about the Port McNicol yard, that is an entirely different yard some 14 miles away. You say you worked as a ~~foreman~~ ^{fireman} there?

A I did.

Q For some years or for what time?

A A short time only, I worked there, and then I would go to Toronto and work out of Toronto because I didn't want to let myself get into a rut there and not come in contact with the main line work, so consequently I would bid in jobs and go to Toronto and stay there and work on that subdivision, and then I would return to Port McNicol where I was living.

Q How long did you work in the Port McNicol yard?

A How long?

Q Yes?

A Do you mean to say off and on?

Q How long did you live at Port McNicol?

A I lived there from 1942 to 1947, I think. That would be five years.

Q During those five years did you work most of the time from the McNicol yard or out of Toronto?

A I would say, half and half.

Q You know, therefore the No. 1 track at the ~~flower~~ ^{flower} shed?

A At Port McNicol?

Q The No. 1 track at the ~~flower~~ ^{flour} shed?

A Yes.

Q Is it not called No. 1, the track right next to the ~~flower~~ ^{flour} shed in Port McNicol yard -- do you know that track?

A Yes. There are two. There is the fruit shed and the ~~flower~~ ^{flour} shed.

Q Yes. I am talking about the ~~flower~~ ^{flour} shed.

A I quite understand.

Q There is a track next to the ~~flower~~ ^{flour} shed, I am told?

A There is.

Q And I am told there is an overhang from the ~~flower~~ ^{flour} shed which makes it impossible to have a man on the roof, on the top of the cars, when you have to spot cars at the ~~flower~~ ^{flour} shed?

A That is right.

Q And also I am told that there is a very narrow clearance between the ~~flower~~ ^{flour} shed and the track?

A There is.

Q And, finally, I am told that if the engine or the train is moving in such a way that the engineer is on the side next to the shed, the signals are always given to the fireman because of this narrow clearance next to the shed. Is that right?

A Sir, you will credit me with this, that when we were at Port McNicol -- I know this so well -- we always used to try to head the engine east and that left me on the signal side, unless -- the

only time that would occur was if the Midland chap which I am referring to was asked to do that.

Q And then the engine would be headed west?

A It would be headed west and consequently the signal would be given through the fireman, from the fireman's side.

Q Yes. And you yourself have had that sort of experience?

A Yes.

Q You told us this morning -- and I am coming back to it -- about these chaps working at the oil place in the Here yard. What is that -- an oil tank or what? I forget what you call it.

A I call it a pumping station.

Q O.k., that is good enough. An oil pumping station. And I think you said that you sometimes couple -- I am sorry -- that you sometimes move a couple of cars -- would those be oil tankers you are talking about?

A Oil cars. Diesel fuel oil.

Q Diesel fuel oil tankers?

A Right.

Q Do you know this fellow who works there?

A Yes.

Q What is his name -- I just want to make sure.

A I don't know his last name, I know his name is Jack.

Q Yes, and he has been doing this job for a long time?

A No, I would not say for a long time, because a fellow by the names of Marbles, as we used to call him, was on that job and he got pensioned off and this chap took his place. I presume he was a smoke inspector or a hostler over at the shop, and when Marbles was pensioned off they gave this job to him.

Q All I want to find out is whether you know this fellow who looks after this oil pumping station -- whether you know if he has been in the shop for many years or only for a short time. Do you know anything about his work?

A Well, you know, the reason I wanted to mention this because you go by how a man talks on certain subjects --

BY THE CHAIRMAN:

Q No, Mr. Mountsteven. You were just asked if you knew how long this man has been on this job?

A No, but by what others have told me --

Q No. From your own observation, do you know how long?

A I will say I have seen him around there for about a year.

BY MR. LEWIS:

Q Do you know where he was before that time? If you don't know, just say so.

A I would say Chapleau, maybe. It was on the north end.

Q And you take signals from him, do you, to push these tank cars --

A No, I don't push them, I pull them.

Q Are they already attached to the engine when you get them?

A No, sometimes they are coupled to the engine and sometimes I have got to move about that far (witness indicates) and make the couple.

Q And he signals to you for the couple?

A Yes.

Q Then he signals to you to --

A To back up, maybe, a car length.

Q On the same track or another track?

A On the same track.

Q No switching to be done -- no switches to be thrown?

A No, we don't throw any switches. If there is anything to be done outside, the switchman when he comes around will do that.

THE CHAIRMAN: When you get on your engine in the morning how far have you to move the engine to get to that pumping station?

THE WITNESS: About two feet or six feet. Whoever puts it in there does not couple it to the car, though he may put it up to the car. It may be left there all night.

BY MR. LEWIS:

Q I am coming, now, to another movement of your train. When you go down south from Mactier -- you made this trip, you said, a year ago last October; is that right?

A Right.

Q And you go down south from Mactier and as you approach the West Toronto yard can you tell us what happens? You go down south on the main track from Mactier and then you have to turn east, do you not? You are pulling the train --

A You are right.

Q You are pulling the train with the cars attached to the cab of the locomotive?

A That is right.

Q Your movement is --

A Heading east.

Q You go down south and you turn and head east, is that right?

A That is right.

Q And you go along the main Trenton track, is it?

A Yes.

Q Going east you cross, I am told, if my information is correct, Ostler Street?

A Ostler Avenue.

Q And then, going a little further east, you cross Symmington?

A Symmington Avenue.

Q And is there not another curve, a curve to the north?

A There is.

Q And this crossing -- these crossings at Ostler and Symmington -- is there anyone flagging them?

A No, they are protected with gates.

Q And as you go down, moving east along the Trenton line you have come off the MacTier track and have turned east on the Trenton track, can you see the gates at Symmington?

A At Symmington Avenue?

Q Yes.

A Absolutely.

Q You can see those gates?

A Certainly.

Q Is it not on the fireman's side?

A There is a set of gates on his side and a set of gates on my side. This is a straight track.

Q Yes, I am just asking you, Mr. Mountsteven. You say there is a set of gates on your side and a set of gates on the fireman's side?

A Right.

Q And both of them have to be open?

A Down.

Q For you to go on?

A Yes.

Q Can you see a set of gates on the fireman's side at the Symmington crossing?

A Yes, up to a certain point and then when the nose of the engine -- the nose of the boiler of the engine -- might be what you would call an obstruction of your view from the left-hand side.

Q At that point do you not ask the fireman whether the gates are down or not?

A Well, yes, you could ask the fireman or the brakeman.

Q I didn't ask you whether you could, Mr. Mountsteven --

A Yes?

Q I didn't ask you whether you could. I asked



you whether you do ask the fireman for that information?

A I have, yes.

THE CHAIRMAN: As I understood the witness he is saying that after he gets his engine round on this Trenton line he can see both sets of gates at the Symmington Avenue at both sides. What he said was that when the engine moves to a certain distance of them, the gates on his left are blotted out. You want to know whether he asks the fireman, in this situation, if that gate is still down, though he can see the gate on his right.

MR. LEWIS: That is right, and he says he has done so.

THE CHAIRMAN: That would be an unusual situation, wouldn't it, that the gates would be lifted?

MR. LEWIS: I imagine so, but I am instructed, Mr. Chairman, that it is checked.

THE CHAIRMAN: Just to complete the picture, Mr. Mountsteven, the head end trainman at that point is also in the cab?

THE WITNESS: He is also in the cab.

BY MR. LEWIS:

Q On your left side?

A I beg your pardon.

Q He is also sitting on the left-hand side?

A He is mostly standing up at that time.

Q Doing what?

A He is getting ready to get off the engine, and he will get off as we turn left. We make a kind of curve there. He will get off and walk over and when I go around the curve he can stand there, and when our tail-end has come in the end man will swing him down.

Q Will swing him down?

A The brakeman, that is. He will get off and move over to a position where he can see the tailman and also me.

BY THE CHAIRMAN:

Q Are you speaking of the time when you have got to your destination?

A Pardon?

Q You are speaking of the time when you have got to your destination?

A Yes, practically. If we get ~~four~~^{forty} cars we can still see the tail end. If we get over that, we come around this bend --

Q I am asking you whether you are now speaking of the time when, having come from MacTier you have come to the end of your trip?

A Absolutely.

Q Where is the end of ^{your} trip?

A There is no way of getting into the West Toronto yard and Lambton yard without first going through the Trenton subdivision, and then you have got to back your train in, so to get by

as you go in there you are running on the block signal indication and so you must stop east of the block signal at Ostler Avenue and when you get passed over Ostler Avenue that is when the tail-end man or the tail-end brakeman swings down the front end brakeman and gives him the signal for you to stop.

Q How far is it between Symmington Avenue and Ostler Avenue?

A ~~Three~~ ^{thirty} carlengths.

Q And you say that the trainman riding in the cab with you, by the time he gets to Symmington is standing up in the cab?

A Yes, he is standing up in the cab or making the forward movement.

Q You have come from MacTier -- a long way -- has he been sitting down up to this point?

A He has.

Q Then he stands up as you approach Symmington Avenue or around there?

A Yes.

Q Because he is going to get off?

A Because he is going to get off.

Q And which side of Ostler Avenue does he get off?

A He gets off at Symmington when you come off the ~~McIntyre~~ ^{MacTier} subdivision on to the Trenton line. Right there, is Ostler Avenue.

Q Ostler is west of Symmington?

A East of the diamond.

MR. LEWIS: And Symmington is east
of Ostler some 30 carlengths?

THE WITNESS: Another block, yes.

Q And as your engine gets to Symington he stands up and gets ready to get off?

A Yes.

Q And where does he get off?

A Generally about six car lengths east of Symington Avenue.

Q On what side of the train?

A On the right-hand side -- my side.

BY MR. LEWIS:

Q He gets off on the south side of the Trenton track on your side -- on the right-hand side?

A Yes, it would be, like, on the south side.

Q And with the six cars do you have to get on that left-hand curve, or don't you reach that left-hand curve when you are past Symington?

A When you reach past Symington Avenue up on the northern diamond that is where the curve swerves to the left?

Q And if you have passed Symington six car lengths, are you on that curve or not?

A Just starting on it.

Q Suppose you had a longer train -- if you had a train longer than 30 or 40 cars?

A Pardon?

Q Have you had a train longer than 30 or 40 cars?

A Oh yes, I have had up 90.

Q And if you had up to 90, and if you have got to pass the block signal at Ostler, you would have to go 40 or 50 cars past Symington, wouldn't you?

A That is right.

Q Would you more often have a train of, let us say, 30 cars, or a longer train?

A I would say you would have more of 35 to 40 cars than you would of 90 cars.

Q Say 50 cars?

A Well, 50 cars, yes. You could have 50 cars.

Q Quite often?

A Quite often.

Q And if you had a 50-car train, you would have to be 20 car lengths past Symington, wouldn't you?

A Correct.

Q And then you would be fully round that north curve?

A No, you go around the curve and then you kind of straighten out.

Q I appreciate that, but as you go around that curve is the brakeman able to give the signals to you directly on your side?

A Yes, if he wants to. What I mean to say is, if you have 50 cars I would say he could go up to the northern diamond -- he could stand there and see you with 70 cars, and he could still look back to Ostler Avenue.

Q And see the rear end brakeman? Both you and the rear end brakeman?

A The rear end brakeman.

Q Standing, you say, at the northern diamond?

A At the northern diamond, that is, east of Symington Avenue.

Q Where the C.N.R. tracks cross the Trenton tracks?

A That is right.

Q If he stands at this northern diamond, you say that even with a long train he could see you?

A And also see the tail end.

Q And that is what he usually does?

A He does on a long train.

Q There are two or three other points I would like to put to you. You spoke, Mr. Mountsteven, about the amount of time you spent on the deck when you were a fireman. You said, if I remember correctly, that you spent two-thirds of your time when you were working in the yard on the deck.

Is that right?

A Yes.

Q Is that just a guess of yours? Or have you refreshed your memory in some way?

A No, Mr. Lewis, I never kept any time, actual minutes and so forth, with regard to that. I am going from past experience of what I have done and I would estimate, unless it was a pretty soft job, and if it was, well, then, you are not doing anything, you were standing, but if you were working and moving I would say that you spend two-thirds of your time, because we had to eliminate smoke and you cannot throw a Wabash, because you cannot throw a Wabash into her and leave her --

Q I didn't hear that.

A "Wabash" -- it is a ton of coal. The same as when you bank your fires.

Q What did you mean by saying you had to watch your smoke, or eliminate it? I don't understand.

A You cannot throw this Wabash of coal into the fire box.

BY THE CHAIRMAN:

Q You have to feed it in slowly?

A We certainly do, otherwise we would run into difficulties and get demerit marks because somebody is going to report you.

Q You must put a small amount in at a time, is that it?

A Yes. You have to space your shovelfuls as well as your fires.

Q Yes, and that is why you think it took you longer?

A It took me longer to do it.

BY MR. LEWIS:

Q Now I am still asking you how you arrived at the amount of two-thirds. That is your estimate, is it?

A Yes, it is my estimation.

Q In those years, how many hours were you firing?

A When I first started we had from 10 to 11 hours in the daytime and 13 at night. That was the time of the ~~Machado~~ ^{McCulloch} award. After that we got eight hours. We had that award in, and we had only eight hours to do.

Q When did you get your eight hours in?

A In 1920, I think it was around then.

Q You got an eight-hour shift in 1920?

A It was around that. It is a long time ago to remember.

Q And you would be standing for six of those eight hours in 1928 or 1930. You are saying you would be spending six of those eight hours -- what would two-thirds be -- a little more than five hours on deck out of those eight hours?

A Approximately.

Q And, on the road, you say you spent

Q And, on the road, you say you spent sometimes
100 per cent of your time on the deck?

A I have.

Q In other words, you spent the entire trip on
the deck?

A On the deck.

Q What trip would that be?

A We will take from Port McNicoll to Haverlock.

Q Yes, that was when you were a fireman --

A Yes, when I was a fireman.

Q And in that trip from Port McNicoll to Haverlock
you spent your entire time on the deck firing?

A I did, and many's the time I have prayed to God,
sir, that a hose would break so that I could lay
on the deck for ten minutes, I was that tired.

Q And on some trips you would spend three-quarters
of your time on deck, and on some, one-half of
your time?

A That is right.

Q And all these are estimates of yours. And were
you ever told to do your firing so that it would
not interfere with your lookout duties?

A No.

Q What is your answer, so that the reporter can
hear you?

A No.

Q Were you ever disciplined for failing to keep
a lookout?

A No, not that I remember.

Q Is that your answer: "Not that I remember"?

A Not that I remember.

Q By the way, if you don't mind -- you have got a pretty good record regarding discipline?

A I think I went from 1920, I believe, to 1940 or 1941 with two demerit marks for not having my watch inspected.

Q That sounds pretty good. And you cannot remember being disciplined for failure to keep a lookout?

THE CHAIRMAN: You say No.

THE WITNESS: No.

BY MR. LEWIS:

Q And in 1940 or 1941, you had something happen to you?

A 1940 or 1941?

Q You said you went from 1920 --

MR. SINCLAIR: It was 1920.

BY MR. LEWIS:

Q From 1920 to 1940 or 1941 with only two demerit marks?

A That is right.

Q I am asking you what happened in 1940 or 1941.

A I did not get my watch inspected in the two-week period.

Q That happened in 1940 or 1941?

A Yes.

Q That is when you got your demerit marks. You were up in 1949, I think Mr. Sinclair told us and you agreed with him, for some kind of discipline?



A Yes, I was.

Q For how long?

A Ten months.

Q You had some trouble on the road, did you?

A I did.

Q What exactly happened, without going into great detail?

A To tell you what happened I would have to go into the details.

Q Did you go through a signal or something?
Did you hurt somebody?

A No, I did not go through a signal. I went through a yellow signal. I ran against 635.

Q Is that the number of another train?

A That is the number of a passenger train that runs six days a week, but which does not run on Saturdays.

Q You ran against that train?

A I did.

Q And you were disciplined for it?

A I was.

Q Did you have a fireman with you?

A I had.

Q Did you use his presence as a reason for your failure to observe what was happening at that time?

A I did not.

Q You did not suggest that he had some responsibility with you for it?

A How do you mean -- "had some responsibility".



Q That he was also responsible for what happened?

A To an extent, just on an agreement.

Q What do you mean: "Just on an agreement"?

A Well, Your Honour, that is what I am saying --
unless I explain --

THE CHAIRMAN: You may make your explanation.
You have been asked the question, and you can answer
it fully.

THE WITNESS: At that time, I was on the
assisting pool. We were called to assist a train
which was two hours late, which we done. We had
to assist this train to Orr Lake, we got to Orr Lake,
and we received orders to return to Guelph Junction.

THE CHAIRMAN: You were on what -- a light
engine?

THE WITNESS: A light engine. We were at
Orr Lake and, waiting for the operator to get our
orders out, we got our time cards out and I said to
the fireman: "It is Saturday night, we don't need
to worry about 635" and he said: "We haven't got her
to worry about tonight." So we proceeded to Guelph.

BY THE CHAIRMAN:

Q Was it a diesel or a steam engine?

A A steam engine. We proceeded to Galt, took our
engine around the "Y" and headed it east again
again, which we have all got to do and proceeded
to ~~Colleen~~ ^{Hillson}, the next station. I pulled in at
~~Colleen~~ ^{Hillson} because we had our meet there, and
73 is the St. Thomas freight train, and that came

along ahead of our meet. We waited there, and finally along comes our meet, which we had and we had to stay in the siding until it went by. When it pulled by the block went green and the fireman ran down and threw the switch and gave me the signal.

Q Why did the fireman go down?

A There was nobody else to throw it, only me.

Q You were still a light engine?

A Oh yes, returning from this assisting trip. This is a light engine -- just the engineer and the fireman on it.

Q Yes.

A And we proceeded to ~~Colleen~~ ^{Lillian} and waited there until our meet came, and when the block went green we pulled out and he pulled the switch -- threw the switch back -- and away we went, and the next block had green, and we went on. The next one was yellow. Coming up from Orr Lake there was a welding machine with which they do a lot of welding on rails. That was standing there, and I said to the fireman: "That darned welding outfit must have done something to those bonds, and when we got to Puslinch I said to him --

Q You thought it was that caused the yellow?

A That is what I thought, because I never dreamed there was anything else on the road but us. So we came to the curve leading into Puslinch,

and I had my head out looking and seeing if there was, maybe a broken rail or something. I looked over and saw that the fireman had got his windows shut, so I said, "For God's sake have a look around the bend and see how she looks". And he said, "Whoa, there is an engine in front of us. He had gone ~~passed~~ *past* an absolute. He had to stop at an absolute. Afterwards, they told me they had called the ~~conductor~~ *despatcher*."

BY MR. LEWIS:

Q Excuse me, what I want to ask you is this:

The absolute board was on the fireman's side?

A No, there was nothing absolute on his side at all. We had passed the yellow on my side but the curve in the road there would leave ~~him~~ on the fireman's side.

Q Yes, and there was something he could see and which you could not?

A Yes, he could see the 635 engine was coming.

Q And you could not see it?

A No.

THE CHAIRMAN: Was this other engine moving?

THE WITNESS: Oh yes.

BY MR. LEWIS:

Q And if the fireman had had his head out of the window he would have seen it in time?

A He could have seen the headlight.

Q And you could have avoided the accident?



A I could have put the brake on in time to stop.
We only did \$35 worth of damage when we did hit.

Q That was the reason you were disciplined?

A Yes.

Q And the fireman was also disciplined?

A The fireman was also disciplined.

BY THE CHAIRMAN:

Q What was the discipline for? What mistake had you made?

A I beg your pardon.

Q What was the mistake you had made for which you were disciplined?

A Overlooking Saturday and Sunday. As I say, we were on the assisting pool. We were running days and nights and everything else, and there is only a date, not a day, so I presumed it was a Saturday night but it was Sunday night.

Q I am just asking you what did you do that you should not have done?

A I should not have left ~~Colleen~~ *Killian*.

Q Until when?

A Until 635 had arrived there.

Q And you had some written instructions in your hands to that effect?

A No.

Q How did you know you should not have left ~~Colleen~~ *Killian*?

A This is a time card train. It is a passenger train. It is in the time card and for all these



trains you do not get orders to meet you must protect against them.

Q What is a time card?

A A time card is what we run by?

Q You have one?

A I have one.

Q All right. You had one that night and that time card told you not to leave the ~~Colleen~~, *Killean* if you read it correctly.

A It told me -- I misinterpreted what day it was.

Q All right, but if you had properly read or understood the time card that would have kept you at ~~Colleen~~, *Killean*. Is that right.

A No.

Q I am just trying to find out.

A That is what I mean -- I would like to explain my mistake.

Q All right. I am just asking you what was the source of your information that you had which, really, told you to stop at ~~Colleen~~, *Killean* and which you did not obey. That is all I wanted to know.

HON. MR. McLAURIN: Exhibit 25 is a time card. It is not exactly a card, it is a table.

MR. SINCLAIR: When it was first put out in the early days it was smaller, and that is where the phrase came from.

THE CHAIRMAN: This is a short question, and, surely a short answer: Your time card would have told you that if you moved out on that trip as



you did you would have met that train. Is that right?

A Yes.

Q And, therefore, you misread your time card?

A Oh yes, I had read the time card.

Q You had misread it?

A No.

Q You said you misread the date?

A Everything in the time card was right.

MR. SINCLAIR: You made a mistake, thinking it was Saturday but it was Sunday.

THE WITNESS: Yes.

THE CHAIRMAN: Then you misread your time card?

THE WITNESS: No, I did not misread the time card. It was a misinterpretation of the date.

MR. SINCLAIR: You read it correctly, but you misunderstood it, is that what you are trying to say.

THE WITNESS: No.

HON. MR.MARTINEAU: You read it correctly, but you made a mistake on the date?

THE CHAIRMAN: Is that what you mean, that while you read the time card correctly you made a mistake in the date?

THE WITNESS: In the day.

THE CHAIRMAN: All right. That is the answer.

BY MR. LEWIS:

Q. This was a steam engine?

A. Yes.

Q. Do you remember telling us this morning that on a steam engine all you wanted a fireman for was to provide you with steam and water? Were those your words?

A. Those were the words, yes.

Q. I think Mr. Sinclair asked you, did you need him for lookout, and you said "No". Is that right?

MR. SINCLAIR: I do not remember asking him that question, but I would be glad to have you put it.

THE WITNESS: Under the circumstances, that the fireman is on a steam engine, you and him are alone -- where I was referring to a train man; we were talking about a train, or having a train. That was my interpretation for when I asked the fireman to give me steam and water. I always have a front end flag man there to look out. But when you are on an assisting engine there are only the two of you there; then of course you rely on the fireman for a certain amount of signalling.

BY MR. LEWIS:

Q. If you go on this light engine, as you did at this time when you had your unfortunate

accident, you could not go by yourself - you would need somebody else on the engine?

A. Yes, certainly. You are never alone.

Q. You are not alone now, because the fireman is still there; but if the fireman were taken off, Mr. Mountsteven, what would happen?

A. They wouldn't be taken off an assisting engine.

Q. How do you know?

A. Well --

THE CHAIRMAN: He would be against that.

BY MR. LEWIS:

Q. How do you know they would not be taken off assisting engines?

A. That would be entirely a company responsibility, but I don't think they are that crazy, to send a man out alone on an engine, regardless of whether it is steam or diesel.

Q. If they send a man out alone on steam or diesel, you would think they would be crazy?

A. I would quit.

BY THE CHAIRMAN:

Q. You are speaking about on the road?

A. On the road, yes.

BY MR. LEWIS:

Q. You say if they sent an engine out without anyone, whether it was steam or diesel, on the road, the company would be crazy?

A. I would say so. If you send a man alone on an engine out on the road --

Q. What about in the yard?

A. How do you mean "in the yard"?

Q. What about one man on an engine in a yard?

A. That is altogether different.

Q. Why, in your opinion?

A. Because when you go out on the main line and if anything should happen you have got to provide protection in both directions.

Q. Can you provide protection in both directions if you are on a light engine and you have got another man with you? Do you stop the engine and both of you flag, the engineer and the fireman?

A. When if you have to protect your engine - unless it happens all of a sudden - you can block your engine; you can put your brake on. As far as that goes, you could jump the fire, and you can always pull the ties that you could put under the wheels, and each one of you could protect in each direction.

Q. You don't think that applies to yards?

A. Well in yards you would never apply flag protection unless you are using the main line, or on a reverse movement in the yard against the current of traffic.

Q. Are there occasions when you would have that?

A. Yes, there are.

Q. Would you then need a second man on a diesel?

A. You would not.

Q. Why not?

A. Because if you make a reverse movement in the yard you have got to get an order from the yard master, that he will protect and allow nothing to pass down against the current of traffic at that point until you arrive there.

Q. So you don't need any eyes on the left-hand side at all?

A. You don't need to take flag protection. That is what they call flag protection; if the switchmen are going to make a reverse movement over a cross-over, where you are going to use part of the main line, then of course they supply the flag protection. They will go back with a fusee and see that nothing comes down and runs into your side when you are making the cross-over movement.

Q. You would have need for the man on your light engine on the road only for flagging protection, not for any other protection?

A. What do you mean?

Q. You said that the company would be crazy if it sent one man out on a light engine alone?

A. Well you are referring to the diesel, I suppose?

Q. Yes, of course.

A. Well, yes; what I mean to say is, out there anything could happen; your engine could break down, and there you are.

Q. Mr. Mountsteven, you had this unfortunate accident in 1949?

A. I did.

Q. From which you got ten months off work?

A. I did.

Q. In that situation the problem was not flagging, was it?

A. It wasn't flagging, no.

Q. And the problem wasn't any break-down with your engine?

A. No.

Q. The value of that second man if he had been alert was that he could have seen something that you could not see, is that right?

A. That is right.

Q. So that you need the second man on that engine for that purpose?

A. And to keep the fire and water.

Q. But I am talking about the lookout part of it.

It was not flagging; it was lookout. If you took a diesel engine out, instead of a steam engine, so that there would be no question about steam or water --

A. No.

Q. If you were on a light diesel engine in the same situation you would still need that man for lookout purposes, is that right?

A. Not only for lookout purposes, but you would have to have him when you are making a meet to get down and throw a switch, where you go into a siding, and to throw the switch after you take your engine into the clear off the main line.

Q. Supposing you took a light engine from one end of a yard across some streets in the city of Toronto, to another yard ...?

A. Yes.

Q. Say you took a light engine from west Toronto yard to the Leaside yard, what about that?

A. You have the train crew, the yard crew.

Q. We are talking about a light engine?

A. All right, a light engine.

Q. You still have the yard crew?

A. The yard men, yes.

Q. Would there be no time when you would take a light engine without the yard men?

A. No.

Q. You always take the yard crew?

A. Yes; only when you are on assisting jobs, and there are only two men.

Q. And with regard to safety on the road, Mr. Sinclair asked you whether the fireman could help you, and you said "No - you don't bother looking that way very seldom." I did not quite understand that.

THE CHAIRMAN: I doubt if he could have said that; it does not make sense.

MR. LEWIS: That is what my note is, and I put it down. That is why I am asking him.

THE CHAIRMAN: I am sorry, I should not have interrupted you.

BY MR. LEWIS:

Q. I may not have understood you, Mr. Mountsteven.

A. I presume you have.

Q. What do you mean, you don't bother looking that way?

A. I did not say that, I don't think.

Q. What did you say?

A. I might have said I did not look at him to that amount.

Q. What do you mean by "that amount"?

A. To be on the watch out all the time for something.

Q. Do you look at him to be on the watch out some of the time for something?

- A. He might be, but I don't remember saying what you have there in your transcript.
- Q. Tell me now what is your opinion with regard to firemen on a diesel engine on the question of safety?
- A. On the main line?
- Q. You tell me about the various things you have had experience on, Mr. Mountsteven. Say first on the main line.
- A. Yes. Well, you are going along the main line, and if there was something a fireman hollers to me; if they get excited they just holler out.
- Q. Is that of any help to you if something is coming, to holler out?
- A. It just helps to make you that much more nervous, if he hollers.
- Q. You say it helps to make you that much more nervous?
- A. When somebody hollers at you, it startles you for the time being. I can't see where --
- Q. Pardon?
- A. You see, Mr. Lewis, when you are going along, as you say, and the fireman tells you, he would have to tell you a great distance ahead for you to be able to do anything.
- Q. In that case you don't need anyone in the cab on the question of safety; you can go along

by yourself, is that right?

A. As I say, on the main line I quite agree that it would be perfectly O.K. with two men in the cab, which no doubt there will be; but whether it would be a fireman, or whether it would be a helper, or whether it would be a brakeman, or who it might be, that is not in my discretion as to what they want or don't want.

Q. What I cannot understand is if the hollering of the second man in the cab upsets you, what is the use of having anyone there at all?

A. I say it doesn't upset you; it just startles you for a minute, when somebody lets a war-whoop out of them, which some of them do, and which I have done when I have seen them shutting their eyes.

Q. Mr. Mountsteven, you said you do not rely on them for safety because they would have to tell you a long time before in order for you to be able to do anything, is that correct?

A. That is correct.

Q. And that when they holler they startle you, is that right?

A. That is about the only thing they would do - they wouldn't do anything else.

BY THE CHAIRMAN:

- Q. You were just asked if that was what you said.
Now listen to the question, and answer it.

BY MR. LEWIS:

- Q. Is that right, Mr. Mountsteven?
- A. I might have made that quotation, but if you were sitting there and looking out and watching, and somebody speaks sharp or loud--
- Q. You get startled?
- A. You will look to see what it is.
- Q. I am asking you, would that not lead you to the conclusion that you do not need any other person in the cab of an engine at all?
- A. Well, do you just want my point of view?
- Q. Yes.
- A. I can run quite nicely by myself.
- Q. Just by yourself on the main line?
- A. Yes.
- Q. You don't need a fireman, and you don't need a front end brakeman?
- A. I need a front end brakeman up there, because I am not going to get down and throw away a switch.
- Q. You need him for throwing switches, but you don't need anybody for lookout or anything like that?
- A. I haven't yet.

Q. You haven't yet what?

A. I mean to say, depended too much on one or the other. I like to make my own observations if possible going along the road.

Q. And you don't think you can get any help from the person on the left-hand side, is that what you said?

A. I would not say altogether that you couldn't - if he is there you use him, but if he wasn't there you couldn't use him.

Q. Would he be of use if he was there? Would he be helpful if he was there on duty, or would he not be any help at all?

A. He might be some help, a very small percentage of the time.

Q. Whom have you in mind when you say that, a fireman or front end brakeman?

A. I am not saying anybody, as long as the watch out would be there, whether a fireman, brakeman, or helper, or who it may be, as long as he understands signals and is there to throw switches. I am not prejudiced against anyone, who it is or who it isn't.

Q. One final point, Mr. Mountsteven. I think you said you were at one time the acting chairman of your local or Brotherhood of Engineers?

A. Yes.

Q. That is the B.L.E.?

A. Yes.

Q. That is not the Brotherhood that is represented here?

A. No.

Q. When were you acting local chairman?

A. I guess a little better than a year ago - a year and a half.

Q. Did you discuss this question of the usefulness or lack of usefulness of a fireman on a diesel engine with the other members of your lodge?

A. No, we never discussed that.

Q. When you came here and gave evidence today, you are just speaking for yourself?

A. I am speaking for myself.

Q. For yourself alone?

A. Absolutely.

Q. You are not speaking for the lodge?

A. No.

Q. And you are not speaking for the other members of the lodge?

A. I am not.

Q. And as a matter of fact you have not found out what their opinion on the question is?

A. No, I don't know.

Q. This is just your own?

A. I am just here to give evidence to the Commission.

Q. Your own personal opinion?

A. My own personal opinion.

Q. Thank you.

MR. SINCLAIR: No re-examination.

THE CHAIRMAN: Question, Mr. Hughes?

MR. HUGHES: No Mr. Chairman.

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ANTON ALVER, sworn,

MR. SINCLAIR: On the railway Mr. Alver is known as a whisperer. We will have to ask him to speak right up because a soft voice cannot be heard here. Some people refer to it as a "telephone voice", but that is no good here.

EXAMINED BY MR. SINCLAIR:

Q. Mr. Alver, after you left school at Grade VIII you joined the company in March, 1913?

A. That is correct.

Q. As a yard man in Toronto?

A. That is correct.

Q. And you held that position for three years until 1916, when you were promoted to yard foreman at Toronto?

A. Correct.

Q. And you were for eight years yard foreman in Toronto?

A. That is right.

Q. That was until 1924. Then in 1924, to 1926, you were yard master at Parkdale in the Toronto Terminals? Then later, for part of 1926, seven or eight months, you were yard master in the West Toronto yard?

A. That is correct.

Q. Then for ten years at various locations, mainly West Toronto and Lambton, from 1926

to the end of 1936 you were assistant general yard master at West Toronto, Lambton and Toronto Terminals?

A. That is correct.

Q. Then you were promoted to general yard master for West Toronto, Parkdale including Lambton?

A. That is correct.

Q. You held that position for three years, from January 1937 to December, 1940. You were then promoted to the position of assistant superintendent of the Toronto Terminals, and you held that position from the commencement of 1941 until September, 1954, a period of 13 years?

A. That is correct.

Q. At which time commencing on the first of October, 1954 you were appointed superintendent of the Toronto Terminals and you hold that position today?

A. That is correct.

Q. Your total service with the company is some 44 years?

A. That is correct.

Q. All in yard work?

A. All in yard work at the Toronto Terminals.

Q. You say all in yard work and all in the Toronto Terminals. As a yard man, Mr. Alver, and a yard foreman, what assignments

did you work in the Toronto Terminals?

- A. I worked all the local assignments in the downtown area, including Parkdale, the circle, the wharf, King Street shed, Esplanade, Swansea transfer and West Toronto transfer.

BY THE CHAIRMAN:

- Q. Is that as yard man and yard foreman?
- A. Yes.
- Q. In the downtown area?
- A. Downtown area.
- Q. That would be from where?
- A. Parkdale and Toronto, as we know it.
- Q. From 1916 on?
- A. That is right.

BY MR. SINCLAIR:

- Q. From 1913 to 1924, would that be correct?
- A. Yes, 1913 to 1924, that is correct.

THE CHAIRMAN: He became a foreman in 1916?

MR. SINCLAIR: Yes, Mr. Chairman.

BY MR. SINCLAIR:

- Q. When you were working there did you work West Toronto as a yard foreman?
- A. I worked into West Toronto on transfer, in and out.
- Q. The downtown and Parkdale jobs, are they industrial switching jobs?
- A. They are the industrial switching jobs, yes.

The first part of the paper is devoted to a general
 discussion of the problem. It is shown that the
 problem is equivalent to the problem of finding
 the minimum of a certain function. This function
 is defined by the following expression:

$$F(x) = \sum_{i=1}^n \sum_{j=1}^m a_{ij} x_{ij}$$
 where a_{ij} are the elements of the matrix A and x_{ij} are the elements of the matrix X .
 The second part of the paper is devoted to the
 construction of an algorithm for finding the
 minimum of the function $F(x)$. This algorithm
 is based on the following principle: the matrix
 X is constructed in such a way that the
 elements x_{ij} are non-negative and the sum
 of the elements in each row and column is equal
 to the corresponding element of the matrix A .
 The third part of the paper is devoted to the
 proof of the correctness of the algorithm. It is
 shown that the algorithm always finds the
 minimum of the function $F(x)$. This is done
 by showing that the matrix X constructed by
 the algorithm satisfies the conditions of the
 problem and that no other matrix can give a
 smaller value of the function $F(x)$.

Q. Then you became yard master at Parkdale,
is that right?

A. That is right.

Q. Did you ever operate as yard master on the
coach jobs?

A. I did.

THE CHAIRMAN: That has not been explained,
but I presume it means moving passengers cars
around?

MR. SINCLAIR: Yes sir. I am going
to introduce a sketch in just a moment; perhaps I
should do it now. I have here a little sketch
of the Toronto Terminals; I apologize for its
incompleteness, but I think it will give us some
assistance and orientation.

THE CHAIRMAN: That will be Exhibit 72.

EXHIBIT NO. 72: Sketch of Toronto
Terminals.

MR. SINCLAIR: This sketch, Mr. Chairman,
shows on the filled-in lines the single tracks, and
where the lines are separate that means double
tracks, between the points marked on the sketch.

THE CHAIRMAN: What does it mean where
there is a checker, that is C.N.R.?

MR. SINCLAIR: Yes sir; that is the
joint section over to Hamilton, between ~~Cambrai~~ ^{Cary} and
Bathurst Streets. In the left of the sketch there

is shown mileage 15.0, Galt subdivision, which is the extent of the terminals on the way to London.

THE CHAIRMAN: Where is that?

MR. SINCLAIR: On the left-hand side of Exhibit 72.

At the top, sir, you will see mileage 9.4 MacTier subdivision. That is the extent of the terminals in that direction. You will recall the other witness, Mr. Mountsteven, spoke of the Emery way freight; you can see "Emery" on the map, where he had an extra brake man on the train.

Then on the right-hand side of the sketch we have mileage 86.7 Peterborough subdivision. Just below that is the point Agincourt. Below that is a little Y, on the right-hand side of Exhibit 72. There we see the other extent of the terminals, being mileage 94.4 Oshawa subdivision. That is right below the line to Trenton.

BY MR. SINCLAIR:

Q. Now, taking the line that runs right across the map from mileage 15.0 of the Galt subdivision to where the line branches off at Agincourt and Trenton, will you, Mr. Alver, designate the yards on that line that make up the switching yards of the Toronto Terminals?

A. We have the Obico yard.

Q. That is a little west of the line going to Canpa?

HON. MR. McLAURIN: It is just east of Dixie?

MR. SINCLAIR: Yes.

THE WITNESS: The Lambton yard, West Toronto yard, North Toronto yard and Leaside yard.

BY MR. SINCLAIR:

Q. Do these yards that you have mentioned, starting at Obico on the west and extending through to Leaside on the east - what kind of yards are they?

A. They are auxiliary yards for West Toronto and Lambton yard.

Q. For West Toronto and Lambton, what are they?

A. They are receiving and classification yards.

Q. Are they through yards?

A. They are through yards.

Q. You mentioned Parkdale. What kind of yard is Parkdale?

A. Parkdale is more or less of an industrial centre where all your industrial cars are sorted and sent out on different runs to different areas downtown.

Q. Such as? What are some?

A. Such as to Esplanade, Ashbridge Bay, Queen's Wharf, Circle, King Street shed,

and an assignment known as the Hill job.

Q. I notice that there is marked on the map the Royal York Hotel across from the Toronto Union Station, and some tracks there. Is that a yard?

A. That is a yard opposite the Royal York Hotel.

Q. Is that a coach yard?

A. That is the Toronto coach yard.

Q. Then further along I notice Keating Street yard?

A. Keating Street yard is on the Canadian National and Toronto Terminals property. It is a joint proposition for sorting cars for all the industrial firms in Ashbridge Bay. They are taken from that yard to different areas both by the C.N.R. and C.P.R., and placed.

Q. And then there is the Cherry Street yard.

A. The Cherry Street yard is on our own line, and it is used for loading pool car traffic and team track facilities.

Q. South of the coach yard I notice a number of tracks going down, and then the words Toronto Harbour Commission?

A. They are Toronto Harbour Commission tracks extending from Bathurst Street to the east of Parliament and the waterfront. They



are jointly operated by the C.P.R. and C.N.R.

Q. This explanation that you have given us of these various yards from Exhibit 72, is that what makes up the Toronto Terminals?

A. Yes.

Q. They comprise the Toronto Terminals?

THE CHAIRMAN: We will adjourn at this point.

--- The Commission adjourned at 4.00 p.m. until 10.30 a.m. Tuesday, March 26, 1957.

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

15

PROCEEDINGS

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241 MANOR AVENUE
ROCKCLIFFE PARK
OTTAWA, CANADA

Chairman

I N D E X

Witnesses

ALVER, Anton,	
Exam. by Mr. Sinclair	1893
Exam. by Mr. Lewis	2000

Exhibits

No. 73 - General Order 293, Board of Railway Commissioners	1891
73A - General Order 302, Board of Railway Commissioners	1891
74 - General Order 775, Board of Transport Commissioners	1891
75 - General Order 708, Board of Transport Commissioners	1892
76 - Bulletin to yardmen, Aug. 16-56	1901
77 - Bulletin to yard foremen, Jan. 17, 1957	1904
78 - Bulletin No. 11, yardmen, Toronto	1903
79 - Bulletin, Feb. 21-57, yardmen, Toronto	1911
80 - Record of observations of firemen, switching operations	1935
81 - Record of observations of firemen, preparatory	1969
82 - Record of observations of firemen, final	1970

ROYAL COMMISSION ON EMPLOYMENT OF
FIREMEN ON DIESEL LOCOMOTIVES IN
FREIGHT AND YARD SERVICE ON THE
CANADIAN PACIFIC RAILWAY

Proceedings of public
hearing held at Ottawa,
Ontario, Tuesday, March
26, 1957

PRESENT:

Hon. R.L. Kellock,	Chairman
Hon. C.C. McLaurin,	Member
Hon. Jean Martineau,	Member
Douglas M. Fraser,	Secretary
A.R. Winship,	Asst. Secretary

APPEARANCES:

D.W. Mundell, Q.C.	Representing the
C.J.A. Hughes, Q.C.	Commission
I.D. Sinclair,	Representing the
Allan Findlay,	Canadian Pacific Railway Company
David Lewis,	Representing the Brotherhood of Locomotive Firemen and Enginemen

Tuesday,
March 26, 1957.

15TH DAY

MORNING SESSION

--- The Commission opened at 10.30 a.m.

MR. SINCLAIR: Mr. Chairman, my friend has a few exhibits he wishes to put in at this time and which he had mentioned earlier.

MR. LEWIS: There were some things which were marked as exhibits or rather given numbers without being filed. The first is Exhibit 48, notes provided to rules instructors.

Then the next one was Exhibit 50, being the 1955 annual report of the Board of Transport Commissioners.

THE CHAIRMAN: Pages 66 and 67.

MR. LEWIS: Yes.

THE CHAIRMAN: You are putting in the whole report?

MR. LEWIS: Yes, I am filing the entire report, but the pages referred to are 66 and 67.

Then there was Exhibit 51, decision of the Canadian Railway Board of Adjustment, No. 1, Case 538, dated October 10, 1954.

Then during the course of the cross-examination of witnesses I read into the record either the entire general order or excerpts from a General Order of the Board of Transport Commissioners. No exhibit numbers have been given to these as yet.

THE CHAIRMAN: What is it?

MR. LEWIS: The first is General Order 293 of the Board of Railway Commissioners for Canada, being the predecessors of the present board. This is dated April 27, 1920 and deals with the equipping of

locomotives with a seat for the brakeman.

May I respectfully suggest that the next one might be numbered Exhibit 73A because it deals with the same subject matter. It is General Order 302 of the Board of Railway Commissioners for Canada dated July 27, 1920. It is an amendment of the first general order referred to.

EXHIBIT No. 73 -- General Order
293, Board of
Railway
Commissioners
for Canada.

EXHIBIT No. 73A -- General Order
302, Board of
Railway
Commissioners
for Canada.

MR. LEWIS: The next one is General Order 775 dated February 27, 1952, being a General Order of the Board of Transport Commissioners. It deals with flagging equipment on the engine.

EXHIBIT No. 74 -- General Order
775, Board of
Transport
Commissioners.

MR. LEWIS: Finally is General Order 708 of the Board of Transport Commissioners dated January 22, 1948 dealing with the requirement that a man take a position on the leading car when cars are pushed by an engine. It is the same as one of the rules in the Uniform Code of Rules, but for the moment I forget the number.

THE CHAIRMAN: Perhaps Mr. Sinclair knows.

MR. SINCLAIR: Rule 103.

MR. LEWIS: There is some difference
in the wording, as we pointed out at the time.

EXHIBIT No. 75 -- General Order
708 Board of
Transport
Commissioners.

ANTON ALVER, Recalled

EXAMINED BY MR. SINCLAIR:

- Q Mr. Alver, when you were yardmaster and supervising various parts of Toronto terminals, about how much of your time would you be out on the ground in the yard?
- A Three-quarters of the time, sir.
- Q When you were general yardmaster how much of the time would you be out on the ground?
- A Half the time, sir.
- Q As assistant superintendent how much of your time would you be out on the ground in the yard?
- A Three-quarters of the time, sir.
- Q As superintendent approximately how much of your time were you out on the ground in the yard?
- A A quarter of the time, sir.
- Q About how many days a week do you work?
- A I work six days a week, seven when necessary.
- Q What kind of hours?
- A Ten to twelve hours a day.
- Q As superintendent?
- A As superintendent; on call 24 hours a day.

BY THE CHAIRMAN:

- Q I did not hear the last.
- A On call 24 hours a day.

BY MR. SINCLAIR:

- Q Yesterday you made reference to Exhibit 72 and explained in a general way that that made up the Toronto terminals. If I may summarize this. I

have not had a chance to check this in the transcript, but I think you said that the yards from Obico through to Leaside were auxiliary yards, with the main switching yards at Lambton and West Toronto?

A That is correct.

Q And the yards such as Parkdale, Cherry Street, Keating and on the waterfront constituted the whole of what we called the downtown area, and that was the industrial yard.

A That is correct, sir.

Q Is there any industrial work done in the other yards such as Obico and Lambton and West Toronto, North Toronto and Leaside?

A Yes, there is industrial work right through to Cooksville out to Leaside and Agincourt.

Q How many assignments do you have in the Toronto terminals, Mr. Alver?

A There are 42 assignments at West Toronto and 36 in the downtown area.

Q That is a total of 78 assignments throughout the terminals?

A That is correct.

MR. LEWIS: May I just interrupt if I may. When the witness says West Toronto does he mean both West Toronto and Lambton?

THE WITNESS: That includes Lambton, that is right.

BY THE CHAIRMAN:

Q I suppose when you tie 42 assignments into West Toronto and Lambton they must operate right through to Leaside?

A They operate out to Obico, Cooksville and Leaside and Agincourt.

Q BY MR. SINCLAIR:

Q When you gave the number of assignments as 42 at West Toronto, which as my friend points out would include Lambton, you are talking of where the assignments start from, are you?

A That is correct. They start and finish coming back to the Lambton and West Toronto yards.

Q And the other 32 that you said were Parkdale and the downtown area?

A They start out at Parkdale and quit at Parkdale and some of them start at the Coach yard and quit at the Coach yard.

Q Of those 78 assignments how many are diesel and how many are steam?

A They are all diesel except one steam engine we are using at the present time.

Q Do those 78 assignments include transfers between yards?

A They do, sir.

Q How many transfers have you?

A Six transfers.

Q On the average what is the car count in the Toronto terminals per day?

- A The average car handling is between 5,000 and 6,000, and it tapers off on Sunday, Monday and Tuesday down to around 4,500.
- Q Of that about how much of the car count would be industrial switching work?
- A For five days of the week it would average around 900 cars.
- Q And the balance would be what kind of switching?
- A Through traffic.
- Q Through traffic?
- A Yes sir. The through traffic consists of an average of 50 trains ordered and supplied out of Lambton and West Toronto in the 24 hours, and an average of 55 trains coming into the yards.
- Q Are the Toronto terminals main switching yards flat switching yards or are they hump switching yards?
- A They are all flat switching yards in Toronto terminals.
- Q Are any of them gravity yards?
- A Yes, at Parkdale there is gravity there, at the hump as they call it, although it is really not a hump. They run through on the surface west of the Toronto yard and the east end of Lambton yard. They will run in there over what they call the hump, but it is just over the subway which causes this gravity.
- Q Do you use car riders?
- A No sir.

Q Do you use switch tenders in Toronto terminals?

A Yes sir. Switch tenders are only used at the entrance to the yards, not during the switching operations pertaining to the engine switching.

Q They are --

A Like Keele Street, Scarlett Road and the Toronto coach yard. There is only three locations we have switch tenders at.

Q Mr. Alver, in your experience and based on your requirements in the Toronto terminals, would you describe to the Commission, please, how signals are conveyed to the engine by the ground crew?

A It is the established practice in Toronto terminals to give signals direct from the ground crew to the engineer.

Q On diesel engines, Mr. Alver, in the Toronto terminals what work is done by a fireman?

A There is no work for the fireman on the diesel engine anymore, the diesel yard engine anymore, other than as a look-out which is not considered necessary on the diesel in yard service.

Q You say it is not considered necessary. Not considered necessary by whom?

A By myself. I do not consider they are necessary.

Q In your opinion does it add to the safety of yard operations for a fireman to keep a look-out on the left-hand side?

A No, it does not because the yard crew positioned in their proper places and giving signals direct to the engineer

there is no necessity for a look-out on the left-hand side.

Q You say if the yard crew is in the proper position it is not necessary. Are the yard crew always in the proper positions based on your experience?

A They are -- when I come around they are in the proper positions but at times they might slop over and get a little careless and might not be. It is a matter of education.

Q Now, in your opinion what is the proper practice as to giving of hand signals in yard work?

A The proper practice is to give clear, distinct hand and lantern signals from the ground crew direct to the engineman.

Q Have you in Toronto terminals any specific instructions as to proper switching practices in the terminals?

A I have issued instructions and given personal instructions to all new men being hired and our safety and training officers have also been instructed seven months ago when we set them up that the new men must be educated to go along with the older men by giving signals direct from the ground to the engineman.

Q You said "when we set them up seven months ago" -- set up whom?

A The safety and training instructors.



Q How many have you?

A I have two, one located at West Toronto and Lambton and one located at Parkdale and Toronto.

Q What is their work?

A To properly instruct new employees in the method in which they must give signals and safety and how to couple cars, hose bags, how to apply hand brakes. These men, they work on three shifts. They just do not work on the one shift like days. They work days, afternoons and evenings, nights, and they go out and observe and see conditions and correct and instruct.

Q As well as train the new men -- do they do that?

A They follow them on the assignments when they are working. They find out what job they are working on. They follow them around and watch how they are coming along.

BY THE CHAIRMAN:

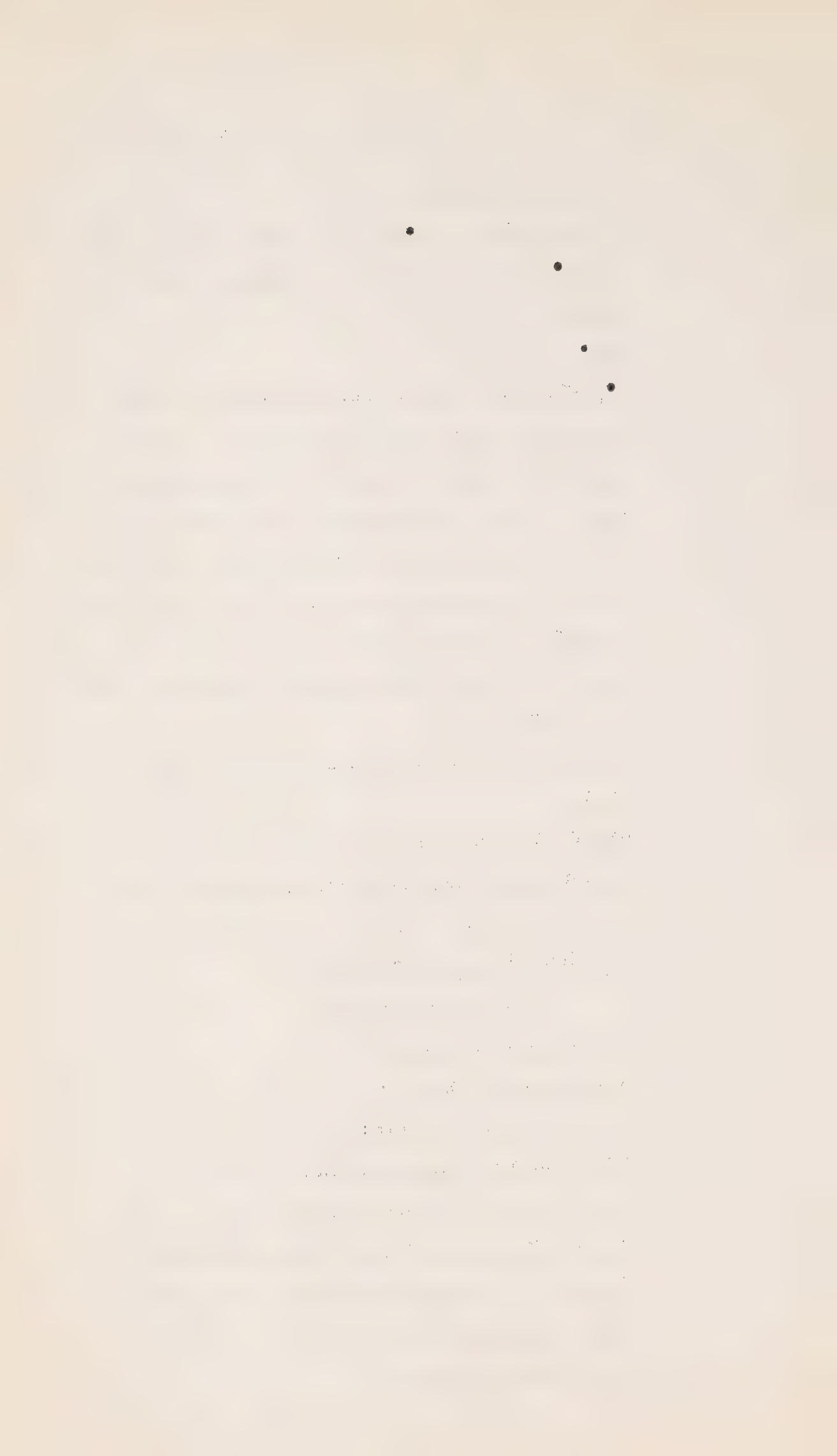
Q How long have you had them?

A Seven months, sir.

BY MR. SINCLAIR:

Q What is their background, Mr. Alver?

A They are ex -- they have been past yardmen and yard foremen. They were yard foremen before we set them up and they have all got 25 or 30 years service, both of them, in yard service alone.



Q Who picked them, Mr. Alver?

A I did, sir.

Q Now, I asked you if you had issued any specific instructions and you said you had. In what form did you issue them?

A Yes, I issued specific instructions last August after --

Q By bulletin?

A By bulletin form.

MR. SINCLAIR: I have in my hand, Mr. Chairman, a bulletin marked "Bulletin No. 71" and addressed to yardmasters, yard foremen and yardmen at Toronto, King Street, Parkdale, Lambton and West Toronto, dated August 16, 1956, and bearing the signature of Mr. Alver.

THE CHAIRMAN: Exhibit 76.

EXHIBIT NO. 76 -- Bulletin to yardmasters, yard foremen and yardmen dated August 16, 1956.

BY MR. SINCLAIR:

Q Looking at Exhibit 76, would you please comment on that? By the way, before you do that, why did you issue this bulletin, Mr. Alver?

A I was astounded at the evidence heard in this courtroom about August 9th from yard foreman Baker and I started out a mild program, giving it to them kind of easy, and we checked up on it and as a result

1. The first part of the paper is devoted to a general discussion of the problem.

2. The second part is devoted to a detailed study of the case of a single particle.

3. The third part is devoted to a study of the case of a system of particles.

4. The fourth part is devoted to a study of the case of a system of particles.

5. The fifth part is devoted to a study of the case of a system of particles.

6. The sixth part is devoted to a study of the case of a system of particles.

7. The seventh part is devoted to a study of the case of a system of particles.

8. The eighth part is devoted to a study of the case of a system of particles.

9. The ninth part is devoted to a study of the case of a system of particles.

10. The tenth part is devoted to a study of the case of a system of particles.

11. The eleventh part is devoted to a study of the case of a system of particles.

12. The twelfth part is devoted to a study of the case of a system of particles.

13. The thirteenth part is devoted to a study of the case of a system of particles.

14. The fourteenth part is devoted to a study of the case of a system of particles.

15. The fifteenth part is devoted to a study of the case of a system of particles.

16. The sixteenth part is devoted to a study of the case of a system of particles.

17. The seventeenth part is devoted to a study of the case of a system of particles.

this is what I come up with and each bulletin issued thereafter was a little more strongly worded and then the last bulletin was a must.

Q I will deal with the bulletins in order. Looking at Exhibit 76, in particular what parts of this bulletin do you wish to call to the attention of the Commission, Mr. Alver? I suppose it may be well to read it all the way through and then see if the witness would like to comment on it.

"Observations made of switching operations in general in the Toronto Terminals has developed that in many cases cuts of too great a length are being made in switching cars, which has no doubt contributed to damage to contents of cars and to draft gear in many cases.

I should like to emphasize to all concerned the importance of careful car handling and switching in order to prevent damage and dissatisfaction to patrons of our freight service.

It has also been discerned that members of yard crews are not always placing themselves in proper positions to relay signals by hand or lantern directly to enginemen during switching operations. This is



"a yardmaster's and yard foreman's responsibility.

By making shorter cuts when possible, and relaying signals directly to ~~enginemen~~ more prompt responses to signals will result and especially on lead jobs shorter cuts will make lead tracks more available for other movements desiring to use them.

Also when conditions permit, the follower of the engine or Pin-boy, should be left at the switch when engine goes into siding in order to accelerate movements of traffic on lead tracks and provide protection for engines making reverse moves out of sidings. In short, it is most desirable that yardmen when possible must position themselves so that signals may be given directly to engineers. All concerned are requested to keep in mind these directions."

Mr. Alver, dealing first with the last paragraph, the first sentence, what is your comment on that?

A "When conditions permit" means that if the full crew is working right there together the pin-boy or engine follower

should stay at the switch during the times when the yardmaster is giving instructions to the yard foreman and the field man is ten carlengths away and the engine has got to go in and get the cars where the field man is going to make a cut. The yardmaster is engaged giving instructions to the yard foreman, so that leaves it that the pin-boy has to go in to couple the engine on those cars in the siding.

Q What should he do on the move out, if anything? Where should he position himself?

A On the reverse movement out of the siding he should be on the front of the engine or the back of the engine, whatever is heading the movement out.

Q On what side?

A On the engineman's side.

Q You said you issued other bulletins. Was the next one on January 17? Is that the next one?

A Yes, that is the next one.

THE CHAIRMAN: Exhibit 77.

EXHIBIT NO. 77 -- Bulletin to
yard foremen,
yardmen and yard-
masters dated
January 17, 1957.

MR. SINCLAIR: Maybe I should read this bulletin. It reads as follows:

"CANADIAN PACIFIC RAILWAY COMPANY
ONTARIO DISTRICT TORONTO TERMINALS DIVISION

TORONTO, January 17th, 1957.

BULLETIN NO. 4

Yardforeman - Yardmen - Yardmasters
Toronto-Parkdale-King Street West
Toronto-Lambton

During the year 1956, thirty-five sideswipes occurred on the Eastern Region at a total approximate cost of \$165,000.00. A number of these occurred in the Toronto Terminals Division yards, and the majority of these mishaps resulted from the failure of yard service employees to properly secure cars and shoving sidings blind during switching operations.

In addition, a number occurred as a result of cars being left foul and also because of ground crews displaying signals to start movements before determining if the route was clear.

I am sure that you will agree that there is no excuse for occurrences such as these, and this to remind all concerned that any future

"occurrences will be dealt with severely.

Keeping your mind on your work during switching operations is the surest way of accomplishing it without mishap or personal injury.

Do not permit unsafe conditions or practices to exist or creep in during your tour of duty.

Do not shove blind, unless it is positively known all cars are properly coupled together, and there is plenty of room for the movement.

A. Alver
Superintendent."

BY MR. SINCLAIR:

Q Any particular comment on that one, Mr. Alver?

A Yes, this bulletin was issued as the result of a communication I had from management, this \$165,000 damage on the Eastern Region caused through sideswipes. Knowing we had two or three of them in past year ourselves in the Lambton, West Toronto yards, I gave it out in bulletin form to all these men concerned and I added the other paragraphs to it, particularly on shoving blind.

Q Just what does that mean?

A That means a siding where you switch cars in from both ends of the yard and the siding is pretty well filled and there might be couplings in there to be made. The couplings are not made and the engine goes on one end or the other and he has to get four or five cars or maybe one car in. Instead of taking room in the siding properly and checking it they will couple on and shove with the result that if there is a coupling not made your siding is all together and they will run out or be shoved out on the other end of the lead where an engine might be working.

Q What is the proper way to do that?

A The proper way is to send the field man down, couple on to your cars first, stretch them out, and then your field man walks down the sidings and checks the couplings as he goes by and if necessary he walks to the other end of the siding and if there is no room on the siding he will give the yard foreman a cut-off sign. If there is room on the siding to shove in he will give him a sign to back up or go ahead, one way or the other.

Mr. Alver

Q The next bulletin I have is bulletin No. 11,
dated January 31, 1957.

THE CHAIRMAN: Exhibit 78.

EXHIBIT No. 78: Bulletin No. 11; addressed
to yardmasters, yard foremen,
yardmen, Toronto, King Street,
Parkdale, West Toronto.

MR. SINCLAIR: This bulletin is addressed to
yardmasters, yard foremen, yardmen, Toronto, King
Street, Parkdale, West Toronto and signed by Mr. Alver.
May I read this bulletin?

"Further to my bulletin No. 71 of August 16,
1956 --"

That is Exhibit No. 76, Mr. Chairman --

"in connection with switching operations
...in the Toronto Terminals Division area.

Further observations made of our switching
operations disclosed greater improvement and
less damage to equipment, but there is still
room for further improvements in several areas.

As you know, during switching operations
all concerned should have a definite understanding
about the moves to be made and be in a position
to give and receive hand and lantern signals
promptly. All signals are to be given direct
to enginemen when at all practicable.

Before shoving in or cutting cars off in
motion, the route must be known or seen to be
clear and switches properly lined for the
intended movement.

Mr. Alver

Always be sure that hand brakes are properly applied to avoid cars moving out foul of leads and other tracks.

By making shorter cuts when possible, and relaying signals directly to enginemen, more prompt responses to the signals will result and especially on lead jobs shorter cuts will make lead tracks more available for other movements desiring to use them.

Also when conditions permit, the follower of the engine or pinboy, should be left at the switch when engine goes into siding in order to accelerate movements of traffic on lead or other tracks, and provide protection for engines making reverse movements out of sidings.

It is also most desirable that yardmen when possible must position themselves, so that signals may be given directly to enginemen. This is a yardmaster's and yard foremen's responsibility."

BY MR. SINCLAIR:

Q Any comment on that, Mr. Alver?

A Now, that was a follow up of bulletin 71. I made it a little stronger but I did not intimate in the bulletin, knowing that there was several industries where this bulletin could not be carried out in full effect, and I let them kind of guess, this 'here' giving signals directly to the engineman.



A. Alver

BY THE CHAIRMAN:

Q This emphasis on giving signals directly to the enginemen --

A Yes, sir.

Q -- in these bulletins, is that something new, or is that a change in your practice?

A It is new because there has been loose practice creep into the service in the last few years of men making it more convenient for themselves.

Q Is there one practice that has always been approved as fundamental and one that is a departure from that?

A No, it has not been ^{approved} / by anybody, sir.

Q What has not?

A The established practice.

BY MR. SINCLAIR:

Q What has not been ^{approved} / by anybody?

A Of giving signals to the firemen.

BY THE CHAIRMAN:

Q You are going on to say something about established practice.

A The established practice since the steam days and carried on right through to diesel days is for to give signals direct to the engineman.

Q Would you say that there has been a laxness latterly and that is what prompted these bulletins?

A That is right.

BY MR. SINCLAIR:

Q Then, if I remember you correctly, you were

A.Alver

referring to this third paragraph of Exhibit 78.
Is that what you were referring to when you said
you kind of let them guess at it? Was that what
you said?

A That is right.

Q Guess at what?

A At where the signals were to be given when
practicable.

Q To whom?

A To the engineman.

Q What do you mean by "guess at it"? That is not
clear to me?

A I did not spell it out, the industries that we
knew that could not be done that way.

BY THE CHAIRMAN:

Q There are some? A. Yes, sir.

BY MR. SINCLAIR:

Q Then, you issued another bulletin dated Toronto,
February 21, 1957, and addressed to similar people.

THE CHAIRMAN: Exhibit 79. What is the date?

MR. SINCLAIR: February 21, 1957.

EXHIBIT No.79: Bulletin dated Toronto,
February 21, 1957,
addressed to yardmasters,
yard foremen, yardmen,
Toronto, King Street,
Parkdale, West Toronto,
Lambton.

MR. SINCLAIR: May I read that with your
permission, Mr.Chairman?

"Further to my bulletins Nos.71, 4 and 11
of August 16, 1956, January 17 and 31, 1957,

respectively, in connection with switching operations in the Toronto Terminals Division area.

Continual observations made of our switching operations disclose a further fine improvement in the positioning of ground crews and clarity of hand and lantern signals being given. This is good switching practice and protects our customers' freight, and our equipment.

During switching operations, all concerned should have a definite understanding about the moves to be made and be in proper position to give and receive hand and lantern signals promptly. All signals must be given direct to engineer, except at Toronto Elevator Company, Terminal Warehouse Company, Victory Mills, Dominion Malting Company and Harris Glue Company, where physical layout makes this impracticable.

The proper positioning of yardmen and relaying of signals direct to engineer is the yardmasters' and yard foreman's responsibility.

Also the practice of some yard employees riding in cab of locomotive during yard or industrial switching must be discontinued at once.

Before shoving in or cutting cars off in motion, the route must be known or seen to be clear and switches properly lined for the intended movement.



A. Alver

Always be sure that hand brakes are properly applied to avoid cars moving out foul of leads and other tracks.

By making shorter cuts when possible, and relaying signals directly to enginemen, more prompt responses to the signals will result and especially on lead jobs shorter cuts will make lead tracks more available for other movements desiring to use them.

When conditions permit, the follower of the engine, or pinboy, should be left at the switch when engine goes into siding in order to accelerate movements of traffic on lead or other tracks, and provide protection for engines making reverse movements out of sidings.

Do not shove blind. It should be positively known that all cars are properly coupled together, and there is plenty of room for the movement."

BY MR. SINCLAIR:

Q Now, Mr. Alver, why did you issue this bulletin?

A I issued this bulletin spelling out locations where I knew that it was impracticable to give signals direct to the engineman so that the men would know.

Q Had you made any check of the sidings before you issued that final bulletin?

A I checked the sidings; I knew of the locations by working on them and observing conditions at those locations.

A.Alver

Q Did you check?

A I had the general yardmaster make a check also which was a check on me.

Q When you said you checked the sidings, what sidings?

A These five localities.

Q Did you check the other sidings in the terminals?

A All sidings have been checked in the Toronto terminals area in the last six months.

Q To see what?

A To see what conditions exactly were personally by myself.

Q You checked every siding?

A Yes, I have.

Q In the whole area?

A Yes, sir, within the last six months.

BY THE CHAIRMAN:

Q There are a number of initials on this Exhibit?

A Them initials are employees that have read that bulletin and they put their initial on there so that when I come along or the supervisor he will know that them men have read that bulletin and understand it. They did not all do that.

Q Did not all do what?

A Initial the bulletin. There are some like these men here who initial them, and that lets me know that they understand what the contents of that bulletin are.

Q There are only 11 initials on this bulletin.
How many employees have you?

A. Alver

A That is what I say, they did not all initial the bulletin.

Q Are these foremen?

A These are yard foremen that have signed, and yardmen that have signed that bulletin, initialled it.

BY MR. SINCLAIR:

Q Where are they from; what places would they be?

A These are from west Toronto, and Lambton.

MR. SINCLAIR: I should maybe explain, Mr. Chairman, that I tried to secure the ones that had been posted in regard to Exhibit 76 and 77 and they could not be located; they had been taken down.

BY THE CHAIRMAN:

Q Are these bulletins posted in one place or in more than one place?

A Located in the change off places where the ^{yard}men start to work, like Parkdale, Keele Street, Lambton and West Toronto yard offices, wherever the men tie up for work or start or quit work.

MR. LEWIS: I also ask whether the places underlined in Exhibit 79 were underlined by Mr. Alver, as I suspect is likely, or whether the underlining was put there by someone else later.

THE WITNESS: No, it was put there by somebody else later.

BY THE CHAIRMAN:

Q I suppose originals of these exhibits were posted some place and you rescued them from some places

where they have been posted.

A I did not get your question.

Q Take Exhibit No.79, it is the original from which these other copies are photographic copies.

A That was one that was out on the bulletin.

BY MR. SINCLAIR:

Q I think I should draw to the attention of the Commission that in Exhibit No.27 --

THE CHAIRMAN: What page?

MR. SINCLAIR: Page 46, sir, Rule 83. I refer to the second last two paragraphs.

"Bulletins affecting the movement of trains will be reissued the first of each month.

The crews working in yards must familiarize themselves with bulletins for instructions which affect their movements."

BY MR. SINCLAIR:

Q Is that the rule you were working under, Mr. Alver?

A That is correct, sir.

Q You were telling the Commission of checks you made in the last six months. Correct me if I am wrong. You said that you personally in the last six months checked all these sidings, and then I think you mentioned somebody's name who checked you?

A Mr. George McKinney, the general yardmaster in Toronto.

Q He checked you?

A I asked him to make a check of all the sidings in his territory to see where the signals or part signals had to be given to the firemen in order to get the work done.

Q What did he report to you?

A He made a check and give me a list of those which I had done previously which confirmed my setting it out in the bulletins.

Q Are you referring to the locations mentioned in Exhibit 79?

A That is correct.

BY THE CHAIRMAN:

Q The list he gave you was the same as in this exhibit?

A That is correct, sir.

BY MR. SINCLAIR:

Q What area does he cover; what is his jurisdiction?

A From Bloor Street around to the Don Station which includes the Parkdale yard, the coach yard, the waterfront, Ashbridge's Bay territory.

Q Did anybody check the balance of the terminal? Was there a check made on the balance?

A No, I was positive of the balance of the terminal which includes Lambton, West Toronto, North Toronto, Leaside, Obico and that territory.

MR. LEWIS: I did not hear the end of that sentence.

(Reporter reads: I was positive of the balance of the terminal which includes Lambton, West Toronto, North Toronto, Leaside, Obico and that territory.)



A. Alver

THE CHAIRMAN: Obico is that an abbreviation of Etobicoke?

MR. SINCLAIR: I think it is a train dispatcher's abbreviation. It is known that is what it means.

THE CHAIRMAN: A corruption, in other words.

BY MR. SINCLAIR:

Q Mr. Alver, since you have issued these bulletins which are Exhibits 76, 77, 78 and 79, have you and your officers maintained checks on switching practices?

A That is correct. We have been checking them right along as we go around on our tour of duties. I might say that in the past there has not been an established rule for the yardmen and the yard work. They have just acquired their habits of going about and doing their work and there is no rule to cover it practically in the rule book and it is impossible practically to set up rules for a work crew on account of the different areas and localities they are working in from time to time. It is different to main line trains. The work is entirely different to through trains or main line traffic.

BY THE CHAIRMAN:

Q Do you not educate these men before you put them to work?

A They are educated as to giving signals, uncoupling cars, applying hand brakes first of all.

Q Before they go to work?

A Yes, before they go to work.

BY MR. SINCLAIR:

Q In the Toronto terminals have you any radio-controlled engines?

A Yes, we have four.

- 1920 -

A. Alver

Q Where are they working?

A King Street, the Esplanade, the wharf and Ashbridge's Bay. I might say that these engines are equipped with radio. They are just a talk-back system to prevent back-tracking on your work. These engines are out on their own working under the jurisdiction of the yard foreman. After they leave the main yard, that is. The shippers will phone in instructions saying, "We want this done", or "We want that done", or "We want more cars." So we contact them on the radio to tell them that so-and-so requires something or other or that a particular job requires more cars and we direct them that way. The movement of the engine is not directed through radio.

Q In Toronto?

A No, in the Toronto terminals.

BY THE CHAIRMAN:

Q Well, when you tell a certain engine by radio that there is a certain job to be done, has that engine got with it not only its crew but a ground crew?

A Yes, the ground crew is with him.

Q Right there?

A Yes, and it is just to give him information that a certain industry wants more cars or less cars or to tell him just what the requirements are.

Q It is a telephone system and not a light system

in the car?

A No, it is a telephone system.

BY MR. SINCLAIR:

Q Mr. Alver, do yard men write the rule book which is Exhibit 27?

A Yes sir.

THE CHAIRMAN: You mean do they write an examination?

MR. SINCLAIR: Yes.

THE WITNESS: The yard foreman writes A examination and the yardmen write B examination.

BY MR. SINCLAIR:

Q You explained to the Commission that you could not make rules for yard work. What do you mean by that?

A That is for switching cars in the yards or in industrial areas, but the reason they write that rule book is that sometimes they have to go out on the main line between the yards in the terminals and quite often they are using the main line to go from one point to another day after day.

BY THE CHAIRMAN:

Q I would like to understand that. Do you mean that the rule book, the red book, does not apply in yard work?

A Whatever rules are in there will apply to them but as I say you cannot set up definite instructions for the yardmen as to how they are to perform their work outside of safety and according

to what is in that book.

Q You mean then that the red book needs some supplementing so far as their work is concerned?

A Well, I believe it was deleted because it just could not be phrased to cover every move a yard engine makes.

Q I am not quite sure I understand that answer. Are you saying that while the red book apply to yard crews you need something more in the way of supplementing the red book when you come to yard work and that is the function of these books?

A Yes. For instance, your book tells you your trainman has to be on the tail end and head end of a train. That applies to main line trains but it does not tell the yardman where he has to be -- the yard foreman or the two yardmen.

BY MR. SINCLAIR:

Q When you were working as a yardman and a yard foreman, how did you learn where you should be or where you should put your men?

A I learned through observation. I started out as a call boy and a car checker and I worked for five years doing that before I went into yard service work and it was just natural to see what the other men were doing and I copied their habits.

Q Were you instructed by any instructors?

A Yes, I was instructed by the general yardmaster when I started with the C.P.R. in 1913 but I

already had that knowledge of what I had to do through working for the Grand Trunk for the five previous years.

BY THE CHAIRMAN:

Q Did you write an examination on the rules at that time?

A I wrote a B book before I started to work for the C.P.R. I wrote this book in 1951 and took an oral examination in 1953 by the general rule instructor and I took another examination three or four months ago.

BY MR. SINCLAIR:

Q Even as superintendent?

A Yes, even as superintendent.

BY THE CHAIRMAN:

Q Well, when the ordinary yardman writes his examination the first time does that finish him or does he have to write later on?

A No, he has to take an oral examination later on on the B, but if he promotes himself -- accepts his seniority and promotes himself to yard foreman -- then he has to write the A book which includes all of the rules.

Q And when the yardman writes the B and passes his oral examination and the yard foreman writes his A and passes that, are they through with examinations then?

A They are through with the written examinations. They still have to go every three years for an

oral examination on the book in that class.

BY MR. SINCLAIR:

Q Who conducts these oral examinations?

A The general rule instructor on the Eastern Region of the company.

Q Now, Mr. Alver, from your experience is there any difference between yard switching as such and industrial switching that you think the Commission would be interested in?

A Oh yes, there is quite a difference in yard switching. That is breaking up and making up trains. There is a difference between that and industrial switching. Now, your industrial switching is much slower than the yard work. You will work in industrial switching at from one to three miles an hour, sometimes barely moving. In the yard service you will be switching from one to six miles an hour.

Q Is there or is there not any difference in the size of the cuts that are handled in industrial work and in yard work?

A I just did not catch that question.

Q Is there or is there not any difference in the size of cuts of cars in industrial and yard work?

A Oh yes, the amount of cars handled by an industrial engine is just about one-quarter of what you will handle in yard switching.

Q What would be the average cut of cars, Mr. Alver, under good switching practice in yard

work as such -- main yard work?

A Fifteen to twenty cars is considered very good practice.

Q And in industrial work what would be the average number of cars you would have in a cut?

A During the switching of elevators and refineries you would have about ten cars on an average and in other industries from one to four.

BY THE CHAIRMAN:

Q As the size of the box cars has increased, has that affected one way or the other the number of cars in the cut handled in yard switching?

A No sir, it does not.

BY MR. SINCLAIR:

Q In the Toronto terminals, Mr. Alver, on these various assignments in industrial work, what is the usual practice -- have you got a number of engines in an area or just one, or just what is the situation in industrial work?

A In industrial work?

Q Yes?

A The engines leave a central point -- say the downtown area. They will leave Parkdale and go down the wharf and up to the circle job and down over the Toronto terminal railways to the Esplanade, the Cherry Street yard, and Ashbridge's Bay.

Q When they were down in, say, the waterfront and Ashbridge's Bay, how many engines would be working in the area at one time?

A Ashbridge's Bay is the only one where we have more

than one engine working. There are two and sometimes three, but they are given areas where they do the work in to keep them separated from each other. This is done so they will not get tied up with one another. That is, you send one to the farthest spot, and another to the central spot so that your engines won't come together or be tied up for any length of time and one is sent to the nearest spot.

Q When you refer to Ashbridge's Bay, where do you start on the waterfront when you say that?

A From the waterfront you go from Parkdale down the Queen's wharf to Fleet Street -- Fleet and Bathurst -- and from there along the waterfront to Parliament Street.

Q Do you call all that Ashbridge's Bay?

A No, that is the waterfront.

Q And what do you call Ashbridge's Bay?

A That is that locality which you have to go down over our own main line to Bathurst Street and over the Toronto terminal railways to Parliament Street and then through the C.N.R. Don yard into Ashbridge's Bay lead and then entering there you go into Keating Street yard. That is a sort of sorting yard for all these cars for those industries in there.

Q As I understand your evidence, what you have told the Commission is that with the exception of the Ashbridge's Bay area in the Toronto terminals

and industrial work you have only one engine working in an area at one time, is that correct?

A That is correct to the extent that on the wharf there is one engine that starts from seven to three -- from seven in the morning to three in the afternoon -- and there is another that bypasses him starting at Parkdale at ten o'clock. He just passes him and goes down to the Victory Mills and the Dominion Malting Company and the Chainway sidings. It is a matter of bypassing him. There is no conflict in the movements.

Q In yard switching as such, what is the situation then in the Toronto terminals with respect to the number of engines working in an area?

A In yard work?

Q As such, yes -- main yard work?

A They are all assigned to different leads and different work which keeps them separated.

Q Is it usual to have some one engine working on a lead, say in Lambton?

A Only one engine at a time can work on the lead. That is one of the reasons why these shorter cuts are being made to give the other engine a chance to come in on the lead and get rid of his cars that he has brought there from another part of the yard.

Q If you have longer cuts does that have any other effect on switching operations other than the one you mentioned?

A Yes, if the other movement is waiting to go in on a lead there might be another movement wanting to get out. He goes by him up on the lead.

Q In handling longer **cuts** does that affect the ability to give signals in your opinion?

A Handling longer cuts?

Q Yes?

A Yes, it does.

Q In what way?

A Well, you are further out and there is always a sense of wondering whether the signal is right or not on account of the distance. Some men's vision is not as good as others and some men do not wear their glasses when they should be wearing them. There is a little question of delay in answering signals.

Q Now, based on these exhibits numbered 76, 77, 78 and 79, in answer to the Chairman you said this was to correct practices that had grown up in the last while. Has the practice grown up of taking bigger cuts in the yards?

A That is correct, sir.

Q And you were dealing with that in your bulletins, is that right?

A That is right.

Q Now, you said in some of these bulletins -- particularly 78 and 79 -- that there had been improvement. One time in Exhibit 78 you said there had been a greater improvement and in

another you said there had been a further final improvement. Has that reference to the size of cuts that were being taken, among other things?

A Yes, and the positioning of the men in general.

Q Yes, and what has been the effect on the switching operations on your cars count since you cut down the size of cuts?

A It has not made any difference to our operation. In fact, we are handling more cars than we did last year.

MR. SINCLAIR: I did not hear you.

THE CHAIRMAN: He said he is handling more cars than he did last year.

THE WITNESS: It made no difference in our operation.

THE CHAIRMAN: I think we could take a little break at this point, Mr. Sinclair.

--- Recess.

--- After recess.

ANTON ALVER, recalled

BY THE CHAIRMAN:

Q Mr. Alver, Ashbridges Bay is that on Parliament Street East; is that what is marked "Keating Street"?

A That is right.

Q On this blueprint?

A Yes.

Q And the Circle job, I take it, would be from the place marked "West Toronto" down to the lakefront and back up to Leaside?

A From Parkdale West, from Parkdale along west.

BY MR. SINCLAIR:

Q How far west?

A To Dufferin and King, Mowat Avenue and King Street.

Q Does it go down on the waterfront at all?

A No, it does not go to the waterfront at all. It goes from Industrial Street on the north side to Liberty Street and then on the west side of Mowat Avenue and then north of Mowat to King.

Q And the Circle job would go along as far as that?

A Yes.

Q Are there in your opinion any locations

there where a fireman is used as a signal passer?

A Not to my knowledge, and there is no condition existing that makes it necessary for the fireman to be needed for passing.

BY HON. MR. McLAURIN:

Q This Ashbridges Bay you are speaking of, is that a bay on Lake Ontario?

A There used to be a bay there.

Q It is down near the B-A Refinery?

A Yes, that is correct.

Q There are storage tanks in there?

A That is correct.

Q That is Ashbridges Bay in there?

A Yes sir.

Q You have a lot of tracks going up from the Keating yard into Ashbridges Bay?

A There are 65 industrial sidings in the area serving 75 farms.

THE CHAIRMAN: Another good landmark is the sewage disposal beds.

HON. MR. McLAURIN: I am beginning to know something more about Toronto besides Bay and Yonge.

BY MR. SINCLAIR:

Q In the Toronto terminals, Mr. Alver, as a general practice do yardmen sometimes ride on the tops of cars, or do they not?

A In the Parkdale yard they ride the tops

of cars to hand brake them. They have to ride the tops of cars to apply the hand brakes at times.

Q Is that in switching operations?

A That is in switching operations. We have other runs that go up to the King Street shed that handle an average of 30 to 35 cars a trip, and they shove them up from Parkdale yard to King Street yard. They are on top of the cars during other movements and when we have an interchange of cars from Parkdale over to the Canadian National Bathurst Street; they are on the tailend, on the car next the engine on those moves.

Q Is it unusual to have yardmen on tops of cars in switching operations, Mr. Alver?

A No, it is not unusual.

Q In your opinion what hazard, if any, is there in riding the tops of cars?

A There is no hazard; it is part of your occupation, just the same as getting on a streetcar or into your own automobile, I would say. You get used to the sway. There is no trouble on top of a boxcar. I have not had any myself.

Q You did not have any yourself?

A No sir.

Q Mr. Alver, in the Toronto Terminals how many cases have you had of an engineman

or engineer suffering a seizure or a black-out during switching operations?

A None to my knowledge, having a seizure or black-out. I have known of two engineers that died on their engines while standing still at lunch period.

Q In your main yards, Mr. Alver, in the Toronto terminals, do you or do you not have a problem with trespassers?

A Parkdale is the only place where we have had trespassers, but it is practically eliminated with our constable on duty 24 hours a day and the yardmasters chasing them and telling them not to come back.

Q What about in your industrial switching?

A Industrial switching, you just got to watch out for them because you are working in private sidings of industrial plants.

Q Who looks out for them?

A The yardmen.

Q Take 1956 as an example. Do you handle all the cases of injury to people in the yards in Toronto?

A That is correct, sir.

Q How many trespassing cases did you have?

A Only one trespasser killed in 1956 and that was a woman on March 13 who was walking the main line track and 629 come along and hit her and killed her.

BY THE CHAIRMAN:

Q What is 629?

A That is the dayliner to Detroit, three
Budd cars coupled together.

BY MR. SINCLAIR:

Q And how many trespassers did you injure in 1956?

A There were no other trespassers injured.

Q Mr. Alver, at my request and for the assistance of the Commission I asked you to make some personal observations of engines doing switching operations in the Toronto terminals and you did so.

A Yes.

MR. SINCLAIR: Mr. Chairman, with your permission, this is a list of observations being ten observations numbered consecutively one through ten and headed "Record of Observations of Actions of Firemen in Yard Diesels during Switching operations". Each one of these is signed by Mr. Alver.

THE CHAIRMAN: Exhibit 80.

EXHIBIT NO. 80 -- Record of observations of actions of firemen in yard diesels during switching operations made by A. Alver

BY MR. SINCLAIR:

Q Looking at Exhibit 80, Mr. Alver, will you please comment on page 1 of Exhibit 80?

A This was Lambton yard east end engine 7031. The starting time of the assignment was 4.00 p.m. The engine was taken over opposite the yard office, engineman D. W. Wright and

Ed. Proskin. The fireman arrived at 3.45 p.m. He opened one door on the right side of the engine and inspected, also two doors on the left side. This operation was made while waiting the arrival of Mr. D. Lewis. I had an appointment with Mr. Lewis to meet him at the yard office at 4.00 o'clock.

Q Did he ride on this engine with you?

A Yes, later on Mr. Lewis rode on this engine with me and we switched two fifteen car cuts out of the south side of the yard on to the big lead, as we call it, and during the course of switching the fireman called out two and one carlengths space to the engineer.

Q Yes?

A While the engineer was working direct with signals to the engineer.

Q Yes?

A I explained to Mr. Lewis at the time -- he was standing beside the engineer -- that the information called out by the fireman was unnecessary as the engineer was then working directly with the ground crew.

Q How long were you on this engine, Mr. Alver?

A From 4.15 to 4.50.

Q That is 35 minutes approximately?

A About that.

Q Page 2 of Exhibit 80. Comment on this one, please, for the Commission.

A This is engine 7023. This was an Esplanade engine changing off at the Midway on track 8 in the coach yard, ordered for 3.15 p.m. The fireman arrived at 2.55 p.m. and he went through the motions of opening two engine side doors on the left side and one on the right side and looked inside.

Q What was the engineer doing when he was doing that, Mr. Alver? Do you remember?

A The engineer was up in the cab sitting down.

Q Doing what?

A He had already been around his engine.

Q What took place during the switching operation?

A There were no signals relayed through the fireman at no time and the ground crew was giving signals direct to the engineer while switching George Street yard Hydro Electric and Cherry Street yard.

Q Yes?

A Later on the engineman called out --

Q The engineman?

A The fireman called the engineman's attention there were four car spaces at George Street yard and Hydro Electric siding while the engineer was taking hand signals direct from the ground crew.

Q What did the engineer do, if anything, when the fireman called that out?

A The engineman made no remark and he made no request for observation from the fireman.

Q That is the second observation you have of a fireman calling car space signals and I should like to ask you this. In your opinion does the calling of car space signals by the fireman assist or does it not in the safety of the movement?

A It does not assist the engineer because from my observations the engineers do not pay attention to it. At least, they do not say anything and I would judge that it might distract their attention while they are taking signals direct from the yardmen, while the fireman is calling out this stuff to him. This calling out of car space has only developed in the last eight or nine months, I would say. We never heard^{it} on the engines before either during the steam locomotive or during the diesel, the early days of the diesel. It has just developed in the last eight to ten months, I would say.

Q How long were you on this engine, Mr. Alver?

A I rode the cab of the engine from 3.15 to 5.15, two hours. That took me three miles away from the starting point.

Q And the next one, page 3 of Exhibit 80?

A This is engine 7023 the following morning, starting time of assignment 7.15 a.m.

The fireman arrived at 6.50 a.m. He opened the doors of the engine on both sides and looked inside and he looked inside the opened front door, and during the switching operations there was one signal relayed to the fireman by the yard foreman on track 10 in the Union Station.

A. Alver

Q Yes. I notice here, "one back-up signal given to firemen by yard foremen in error"?

A That is correct.

Q How do you know that?

A Because to shove in track 10, and the only reason he got over on the other side, on the fireman's side was to turn the angle cock so that they could move and uncouple the cars, angle cock in the Barco steam had to be cut, and he had to go on the fireman's side to turn that angle cock. He seen the signal yellow, and he called through the cars to his fieldman that it is okay to back up and at the same time he gave the fireman the back up signal, which was not necessary. All he had to do was what he did do first, call to his man that the signal was okay and back up. The signals are given simultaneously through the ground crew and the fireman after the movement was completed.

Q What ground crew?

A The fieldman and the engine follower were given signals; signals were given to the engineman at the same time.

Q You said the fireman.

A The yard foreman on the lefthand side give the signal at the same time as the yardman gave the signal to the engineer. They were given simultaneously.

Q All right.

A. Alver

A And I took exception with the yard foreman Archibald, ^{on} this one, got him over in the coach yard and reprimanded him for giving the signal to the fireman as it was not necessary.

Q What did he say.

A Well, he said, "I did not intend to do it"; he says, "it was an error." He says, "I just happened to be over there and I turned my hand around."

Q What is your other comment on this observation?

A Fireman, he called out, "One car space in track 10." That was just previous to this other incident, and he called out, "And six interlocking signals", which were in full view of the engineer and which complies with Code Rule 34.

Q That, Mr. Chairman, is Exhibit 27, Rule 34. When you say "Code Rule 34" what does that require?

A That all members that are riding in the cab of the engine have to call the signals of interlocking or block signals, exchange them with one another.

Q The fireman did do that in this case?

A That is correct.

Q The engineman called them?

A Yes, the engineman called them, too; he exchanged signals.

Q What do you mean by "exchanged"?

A The fireman would call yellow or green and the engineer would repeat the same words, yellow or green, whatever it was.

A. Alver

Q Who called first?

A The fireman.

Q Always?

A Not always, no.

BY THE CHAIRMAN:

Q Is this a switching movement?

A Yes, it is a switching movement on interlocking track at Scott Street.

Q If you did not have a fireman in the cab how would that rule be complied with?

A The engineer would be there; he would see the signals the same as the fireman does; he would see which signal he is operating under.

Q As far as exchanging signals between the crew is concerned I suppose your answer then would be that the crew consists of only one.

A If there is another employee on the engine, then, they would have to exchange signals between one another.

BY MR. SINCLAIR:

Q If the yardman or foreman was there on the move, Mr. Alver, would this rule apply to him or would it not?

A Yes, that is right; if they were riding say from the coach yard down to Cherry Street and headed in and the yardman riding the cab of the engine and there was no fireman he would be required by the rule to call out the signals to the engineer or vice versa.

A.Alver

- Q If he is there now where there is a fireman has he any duty ---
- A Yes, he calls them out. If he is riding with the engineer and the fireman he has to acknowledge signal indication displayed.
- Q How long were you in this engine?
- A From 7.15 a.m. to 8.30 a.m.
- Q An hour and fifteen minutes approximately?
- A Yes sir.
- Q Let us turn to No.4 of Exhibit 80. What is your comment on this, Mr. Alver?
- A This is Parkdale west yard, engine 7027, starting time 4.00 p.m.; change-off point was on the wharf lead. Fireman drained air reservoir, opened three doors on engine compartment and looked in and then obtained pail of drinking water from the yard office.
- Q Now, the balance of your observation was switching as set out there. Is there anything you want to add to that?
- A No, the movement started away at 4.07 p.m. and we went up into the west yard and we switched from six and eight into the west yard. That is approximately 40 cars, 20 on each siding, and the ground crew were in full view of the engineer at all times while switching; but while shoving into one of the sidings there the fireman called out, "Four car spaces" and the position of three switchers. The ground crew are working direct

A. Alver

with the engineer when the switches were called out.

Q Does No. 5 of Exhibit 80, page 5, speak for itself? As it is set out here is it a correct representation of what happened on this engine when you were on it for about an hour and ten minutes, according to page 5 Exhibit 80, or is there anything that you wish to add. I notice under (b) the fireman called out "route clear".

A He has a little different interpretation of calling out there. The fireman called out "all clear"? Route clear; route lined." The engineer could see the switches being lined and this was drawn to his attention by me.

Q In your opinion did the calling of the fireman there add to the safety or efficiency of the movement?

A No, not at all.

Q Turn now to No. 6, Exhibit 80, page 6. Is there anything that you want to draw to the attention of the Committee on this. This is a Cherry Street yard switching job.

A Yes, this is Esplanade engine again on the 7.15 a.m. shift; went down to Cherry Street and when shoving into Western Iron and Metal Company siding with the two cars on left curvature fireman called, "Two car lengths space; then six feet." When asked why he called out that information when engineer was working directing with signals

A.Alver

from ground crew he replied that it makes it easier for the engineer," and we went from there over to the Federal --

Q Have you any comment on that? What in your opinion as a switchman --

A It is unnecessary, entirely unnecessary. The engineer was working with the ground crew directly. I never made any further comment to the fireman on it. Now, we come up to the Federal Cold Storage, shoving in there with two cars. The engineer at this time asked the fireman if there were any cars in the siding,. The fireman replied, "I cannot see." When the engineer was asked why he asked the fireman for this information he replied, "It gives me an idea how far **before** coupling being made;" but I explained to him -- it is not there -- I said to him, "You are working directly with the engine follower; you take his signals and follow him," and that is what we done.

Q Turn to page 8 of Exhibit 80.

A This is the King Street freight shed yard, engine 7027, starting time 8.00 a.m.; is there anything in particular you wish to draw to the attention of the Commission regarding the switching moves ?

A Yes, while the ground crew are in full view of the engineer on the ground and on top of the cars because the engine --

BY THE CHAIRMAN:

Q Is this a diesel engine?

A Diesel engine, sir.

Q What end of the locomotive was attached to the cars?

A Cab end.

Q How close to the end of the car was the yardman standing on top of the car, do you recall?

A About eight feet from the end on top of the running board, eight feet from the end.

Q Is that the board --

A That is the board ' ---

Q You will have to wait for my question before you answer it because the reporter cannot get us both at the same time. It is a board made of wood or metal which runs on top of the car down the centre.

A That is correct.

Q You say the yardman on top was about eight feet from the end of the car next to the cab?

A That is right.

Q And was he in view of the engineer then?

A Yes, sir.

Q Signals being --

A Being transferred to the engineer.

Q All right.

A Through the end window and side window.

And then when we were shoving into track 14, there, the fireman called out, "One car space,"

A.Alver

and I took exception to the fireman and asked him why he called out that information while the engineer was working directly with the ground crew, and he advised me that sometimes it saves a heavy coupling being made. He was advised that it was entirely unnecessary.

BY MR. SINCLAIR:

Q What was entirely unnecessary?

A Calling out "car space" to the engineer while shoving in with the yardman directly in control of the movement.

Q Turn to page 6 of Exhibit 80. Is there anything on that page, Mr.Alver?

A This is the coach yard, engine starting at 3.00 p.m. I rode the cab of the engine from 3.40 to 4.40.

Q What are your observations. I notice this is a back up according to (a)?

A That is correct. We shoved down to south yard into the train washing machine with car coupled throughout and the back up hose attached on the point car. We were about 12 to 13 minutes shoving through the wash out and then we continued around the loop which is a lefthand curve for the engine being headed east, but this movement was controlled by the air coupled throughout; train in control of back up hose, no signal required.

Q How does that work? Please explain that to the Commission. How is it controlled ^{through} / the back up

A. Alver

hose? Just explain that.

A When they couple ~~out of~~ ^{onto} the cars there ~~into~~ ⁱⁿ the south yard, whatever track they pick them up off they couple up the car to hose bags on each car and then they cut the ~~car~~ ^{air} in from the engine and before they move out of that they test their back up hose by opening up the valve to see if they have got the pressure in the valve. When they get the pressure and are satisfied that they have control, will have control of the movement they pull out and then they shove down through the wash out, and the move is continuous from then on right around to the north yard until they get on the straight again when they are in plain view of the engineer, the yardman.

BY THE CHAIRMAN:

Q What is the function of the back-up hose?

A That is to stop the movement if required. You just pull the valve down. You can use it as a whistle or you can use it as an emergency stop for the whole train. You gradually open the valve. It is just a pull-down handle and when you do that it lets all the air out of the train line and stops all the cars including the engine.

Q Where is this valve located?

A It is on the end of the car, sir, it is a valve with a whistle on top of it.

Q On what car?

A The leading car.

Q The leading end?

A The leading car of what you are shoving.

Q It is on the leading end of that car?

A Yes sir.

BY MR. SINCLAIR:

Q Yes?

A When we got around to the north side of the yard the engineer asked the fireman if there were any cars on siding No. 8 the train was entering into and the train was shoving off the loop into the north side; but there were cars on No. 7 track so there was an obstruction there. The fireman could not see whether or not there were any cars on Track 8. That was the information he conveyed back to the

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A. Alver

engineer, that he could not observe on account of curvature and cars on the adjacent track.

Q What happened to the movement?

A We just continued the movement down into Track 8 and the train crew took over with the engineer when they came into view of one another.

Q Was the movement controlled at that time by the back-up hose?

A Yes, it was continually controlled by the back-up hose until the yardman took over with signals direct to the engineer.

BY THE CHAIRMAN:

Q When you have such a movement which is under back-up hose control where the signal is given to the engineer to start, then under what circumstances does he do anything in the way of stopping or taking off his power, applying his brakes or anything else?

A Once he is given a signal to back through he has his air coupled up complete with the back-up hose and once he is given a signal to move his movement is continuous until he is stopped by the back-up hose. The man on the rear is the engineer at that time. The engineer at that time is just moving the movement. The man on the point car is responsible for what is ahead of him.

Q Well, what effect, if any, does the operation of the back-up hose lever by the man on the leading car which is at the rear have on anything

the engineer does? How does that affect the locomotive itself? Does it affect it in any other way except that it puts the break on the whole train?

A It does not affect it in any other way.

Q Well, the engineer still has the power on?

A When we put the brake on from the rear end car he will automatically put his brake valve on lap.

Q How does he know to do that?

A Because he feels the air going out and he feels the movement being stopped by other than his action.

Q What do you mean by the engineer putting his valve "on lap"?

A That is to prevent him --

Q But what does that mean? What does he do?

A He does that to prevent the air --

Q No. I did not ask you why he does it. I am interested in knowing what he does.

A Normally he puts the valve on lap.

Q I am just asking you what that means, Mr. Alver. Does it mean that he simply changes the position of the valve lever?

A Yes, he just shoves it over about two or three inches from the normal position to the lap position.

Q What does "lap" mean?

A That is to stop your air on the engine in the

cylinder reservoir -- what you have there is to save your air there instead of wasting it by having it go out through the train line.

Q I know the object, but what does "lap" mean? When you say he puts it "on lap"?

A Lap means he has obstructed the air from being wasted in my opinion. I do not know much about the mechanical end of it but that is my understanding.

Q When he puts his lever on lap, that is his brake lever, is it?

A Yes, that is right. It is a part of the brake equipment.

Q But what happens? Is the application of his power controlled by another lever?

A Yes sir, he shuts that off first and then puts his brake on lap.

BY MR. SINCLAIR:

Q Yes, Mr. Alver. Please continue with your observations on page 8 of Exhibit 80. Have you any further comment on that?

A No, I cannot say anymore on that.

Q On that last observation you drew to the attention of the Commission, that is on (c) of No. 8. In your opinion was it necessary for the engineer to have the information requested for him to operate there safely?

A No, it was not -- no. It was not necessary for the engineer to ask the fireman if there were any cars in the siding or not because

he was being controlled by the back-up hose until such time as he came in view of the yardman again.

BY THE CHAIRMAN:

Q May I ask this question here. Supposing the man at the rear of the train which is now the front of the train because it is moving in that direction, puts on the back-up hose -- applies it -- but the engineer, while he should handle his levers in the way you just described, does nothing -- what happens?

A I just do not follow you, sir.

Q All right. Here you have, we will say, the yard foreman on the rear of the train --

A With the back-up hose.

Q Yes, with the back-up hose.

A Correct.

Q He pulls the lever. Now, you told us a little earlier --

A That is to stop the movement.

Q Now just wait a minute, Mr. Alver. You see, the reporter cannot write down what you are saying and what I am saying if we are both speaking at the same time and we want to read this later. The foreman pulls down the back-up hose. Now, you have explained a little earlier that the engineer feels that and he should throw off his power and put his brake lever to lap.

A Yes.



Q Well, supposing he does not do either of those things. What happens?

A Once the yardman opens up that valve on the back-up hose he cannot move.

2. Q I see. That stops the train?

A He leaves it open and that stops it. He has had it.

BY HON. MR. McLAURIN:

Q Even though the power is on?

A Yes, it will stall him because you have the brakes on all the cars including the engine.

BY THE CHAIRMAN:

Q The train comes to a stop?

A Yes.

Q All right.

BY MR. SINCLAIR:

Q Mr. Alver, arising out of what the Chairman has been asking you, in operating this back-up hose, have you ever done it yourself?

A Yes, many a time.

Q In operating the back-up hose, can you open the lever gradually or can you throw it right away?

A Yes, there is two different ways. There is three purposes of the back-up hose. First, you can use it as a whistle to warn anybody around that you are coming. Second, you can open the valve gradually to bring your movement to a stop gradually or slowly -- to a complete

stop. And, if anything looms up in front of you suddenly, you can make an emergency stop by pulling the lever down fast and, as we say, you "dump" her. That lets all the air out of the train line and the engine.

Q No. 9 on Exhibit 80, Mr. Alver. Have you any comments you wish to make on this observation that you made?

A Well, we rode this engine from 7.30 p.m. to 8.30 p.m. on the night of March 20, a repair track job. We switched 12, 13, 7, 8 and 9 in the repair tracks and pulled 20 cars out of the washout plant and spotted them in 12 and 13 repair tracks. There was one occasion where the fireman --

Q Mr. Alver, for the information of the Commission, when you refer to the washout track, that is where the passenger equipment goes through a plant to wash out the outside?

A No, this is a different washout plant. This is where we clean the refrigerator and box cars for freight service.

Q This is not the washout plant you were referring to in one of your earlier observations?

A No sir.

Q This is for freight equipment?

A That is right. While proceeding with a light engine from the repair yard to the

washout plant, the engine follower remained on the rear footboard instead of locating himself on the front right side step resulting in the fireman calling out the switch wrong. The yard foreman and the engine follower were reprimanded for not being in their proper positions. The fireman called out the switch wrong on a left-hand curvature.

BY THE CHAIRMAN:

Q I want to understand this. When the movement was taking place was the locomotive going engine first or cab first?

A ~~Cab~~ ^{Engine} first. It is about one-quarter of a mile from the repair track to the washout plant switch and it was a light engine movement.

Q And you say on this movement the yardman should have been on the very front of the locomotive?

A Yes, on the front right side step of the locomotive. Instead of that, he was on the rear step.

Q All right, he should have been on the front of the engine and on the right side?

A Yes sir. That is in the proper position, that is.

Q Under what circumstances does that apply? Does that apply when an engine is moving --

A From one point to another.

Q Wait a minute, Mr. Alver. Does that apply

always when an engine is moving forward in switching operations with the cab at the back and the engine in the front?

A It has not, sir, in the past, knowing that they had a fireman up there to observe conditions on his side, and he is ahead facing down the track always. Some of them do it and some of them have not been doing it, but through these here bulletins telling them they must be in a proper position that is what we mean.

Q Well, how would a yardman know that that is what the bulletins mean, because this bulletin does not say that specifically?

A Well, we tell them at our **safety** meetings and **everything** else; whenever we get them together we tell them that.

Q That is, whenever a locomotive is proceeding engine first it must have someone in the front in yard service?

A That is going from one point to another.

Q What do you mean by "going from one point to another"?

A Well, you see, your rip track and your washout plant in this instance are about a quarter of a mile apart and he is travelling light on a main lead. The yardman being at the rear on that movement serves no purpose whatever.

Q He is just getting a ride?

A Yes, he is just there for the ride.

But if he were up on the front footboard he would be serving a purpose.

Q Well, of course, I understand that movement but I am asking you about all movements where the engine is proceeding in that direction?

A No, not on other movements.

Q Well, on what movements does that rule -- we will call it a rule -- apply?

A It applies if they have a hold of cars -- it does not apply unless they are going from one point to another -- it does not apply during switching movements. It only applies in an instance like this where he is going from one point to another light. If they are switching cars, no.

Q Well, why does it apply in one case and not in another? That is what I would like to understand.

A Because he has to be back there doing work, pulling pins and relaying signals.

Q But you say he serves a purpose when he is on the front of the engine when it is going from one point to another, so why would he not serve the same purpose no matter what the engine is doing so long as it is moving forward?

A He is occupied when he is at the rear, whereas when he is going from one point to another he is not occupied. He has no work to do.

Q I fully appreciate that, but what I am trying

to put to you is why does he serve a purpose by being up front when the engine is going from one point to another -- from point to point, as you describe it. Why does not the man serve the same purpose when they are moving engine first in switching operations?

A Well, you cannot always have a man on the front footboard during switching operations because the engineer can see up ahead and he has only got a certain extent that he cannot see.

Q Well, I was thinking of this situation: If you had no fireman and the engine was going forward in switching operations there might be someone engaged in taking on goods or taking off goods who might stop in front of that engine when it was moving forward and the engineer could not see him by reason of the engine in front of him.

A I think the Code Book covers the situation here in general rule M on page 5.

H-3 Q What does it say?

A It says:

"They must expect the movement of trains, engines or cars at any time, on any track, in either direction."

Q Who must?

A Employees.

Q Well, but this is not an employee I am

talking about. This is a man down there with a truck who is taking goods on or off a car.

A Well, we cannot touch a siding or a car where anybody is working.

Q You mean your switching movements do not take place where that sort of thing goes on?

A We have to make sure they get out of the way. There is a rule covering that -- Rule 112 of the Uniform Code -- which says that we cannot couple on to cars at a siding where anybody is loading or unloading goods.

Q Even on an adjoining track?

A Even on an adjoining track.

Q Is that covered by a specific rule?

A Rule 112, I believe it is.

MR. SINCLAIR: That is on page 66.

THE CHAIRMAN: What does it say?

MR. SINCLAIR:

"Before coupling to cars at any point care must be taken to ensure that cars being coupled to are properly secured.

Before coupling to or moving cars being loaded or unloaded all persons in or about such cars must be notified. Vehicles and loading or unloading devices must be clear.

Cars must not be moved foul of other tracks unless the movement is properly protected."

THE CHAIRMAN: Although we are not through with this exhibit, perhaps we could adjourn now.

--- The Commission adjourned at 12.3 p.m. until 2.00 p.m.

Tuesday,

March 26, 1957

AFTERNOON SESSION

--- The Commission resumed at 2.00 p.m.

ANTON ALVER, recalled,

EXAMINED BY MR. SINCLAIR:

- Q. Before the adjournment, Mr. Alver, we were dealing with Exhibit 80, and particularly page 9 of that; and arising out of that exhibit the Chairman asked you certain questions concerning the position of the ground crew on different types of moves. Following that up, Mr. Alver, if I may: In switching operations are there instances, or are there not, when you require only a part of the ground crew?
- A. There are times that the ground crew can perform the work normally with two men, in plain view of the engineer.
- Q. Are there or are there not times when on account of cuts or locations where you need only one man on the ground?
- A. There are locations and places where one man can do the pin pulling and give signals at the same time direct to the engineer. For example, Parkdale lead, east yard.



2

A. Alver

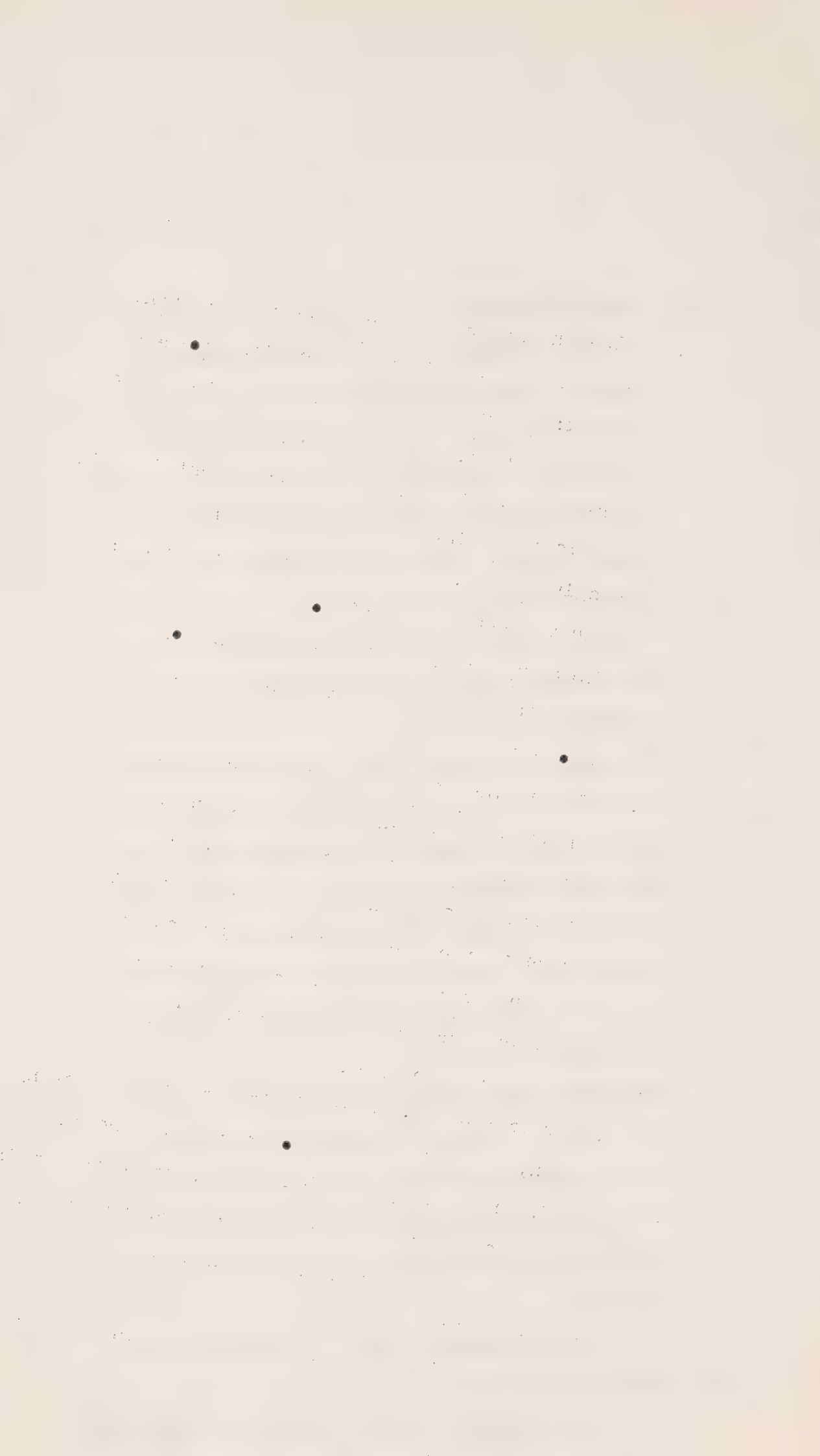
Q. Take an instance where there are two men, say the foreman is over checking another track: The engine follower and field man are working on a yard track, a body track in a yard, coupling up; the movement is going to move out into the lead; the engine is engine ahead, cab coupled to the cars, and the movement is going to pull out that way into the lead. For the Commission, would you position the two men working on the ground?

A. The engine follower would couple the engine on to the cars in the siding, and when they got a signal from the field man to pull out, he would position himself on the right front side of the step of the engine, out of the siding into the lead, until the engineer had a clear unobstructed view of the track and lead ahead of him.

Q. Take the same example with an engine shoving in, the cab coupled to some cars, shoving in and coupling up the track, where the engine follower would be say six or ten cars back, and the field man is say another 15 cars or so back?

THE CHAIRMAN: This is coming in from the lead on to the body track?

MR. SINCLAIR: Yes, coming on a body track,



to couple it up.

BY MR. SINCLAIR:

Q. Say, the engine follower is some six or ten cars back from the engine - he walks back there - and the field man is say another 15 cars further back. They get it coupled up; they are going to make a movement ahead.

Would you position the ground crew for the Commission on that kind of move?

A. Going into the siding the engine follower would couple the engine on to the cars, and make any coupling in conjunction with the field man; and when he got a proceed signal from the field man to pull out of the siding ahead --

Q. Pull out of the body track, the yard track?

A. Yes, we call them yard tracks.

Q. You said siding. To pull out of the yard track?

A. Yard track. He would get it from where he was standing, and the engineer would proceed to a point -- if there was any fouling point he would proceed to that point and stop until the engine follower came up and he gave him an O.K. signal to come out. If he is right there with the engine he will take up his position on the right front side of the engine until he takes him out on the



lead where there is an unobstructed view of his track ahead.

MR. LEWIS: I am sorry to interrupt, but I do not follow this. I thought my friend was giving an example of an engine pushing cars?

THE CHAIRMAN: That was the first example. Now he is bringing them out; this is the second example, coming out.

MR. LEWIS: I thought it was pushing cars attached to the cab. Maybe I have missed the point - sorry.

BY MR. SINCLAIR:

Q. Mr. Alver, so that there will be no misunderstanding; this is an important matter, and we want everybody to understand your example. Take an engine that has come out of track No. 5 and has a hold of we will say four cars --

THE CHAIRMAN: And it is on the lead?

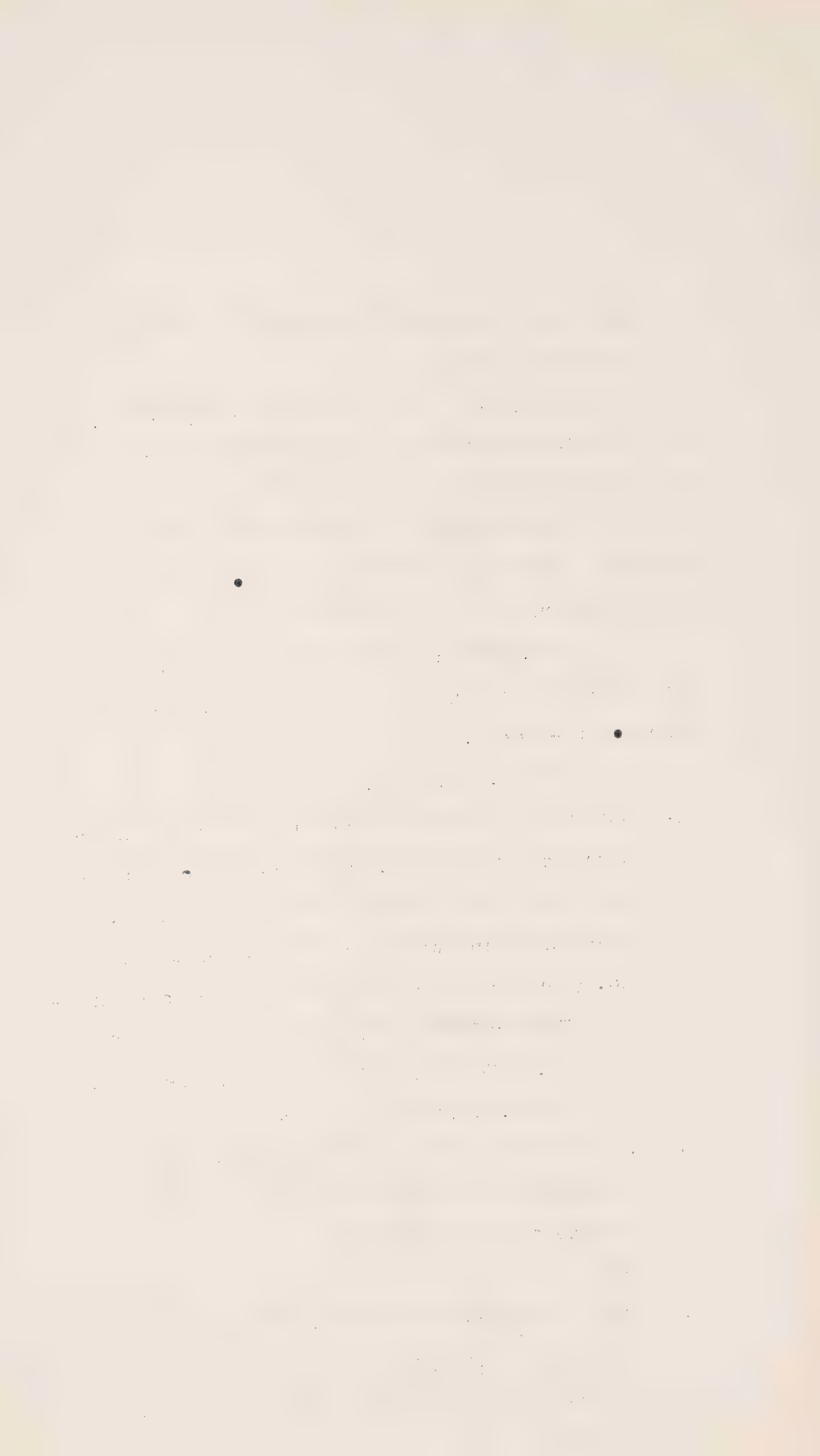
MR. SINCLAIR: Yes, it is on the lead.

BY MR. SINCLAIR:

Q. ... with four cars attached to the yard locomotive, with the cars coupled to the cab end of the locomotive?

A. Yes.

Q. And it is going to back in, push in to track No. 7, and couple up with that track and then pull the whole batch of cars out



1966

on to the lead. How would you position the ground crew on those move?

A. First of all they pull out of No. 5;

the engineer follower is out at the switch or else he is riding out on the right side step of the engine, until he comes to a point where he can see the field man, and the engineer has a clear unobstructed view of the track ahead. He waits then until the field man or the yard foreman lines the switches, and until he receives a signal to back up; then they slowly back down the lead into track 10.

Q. Track 7?

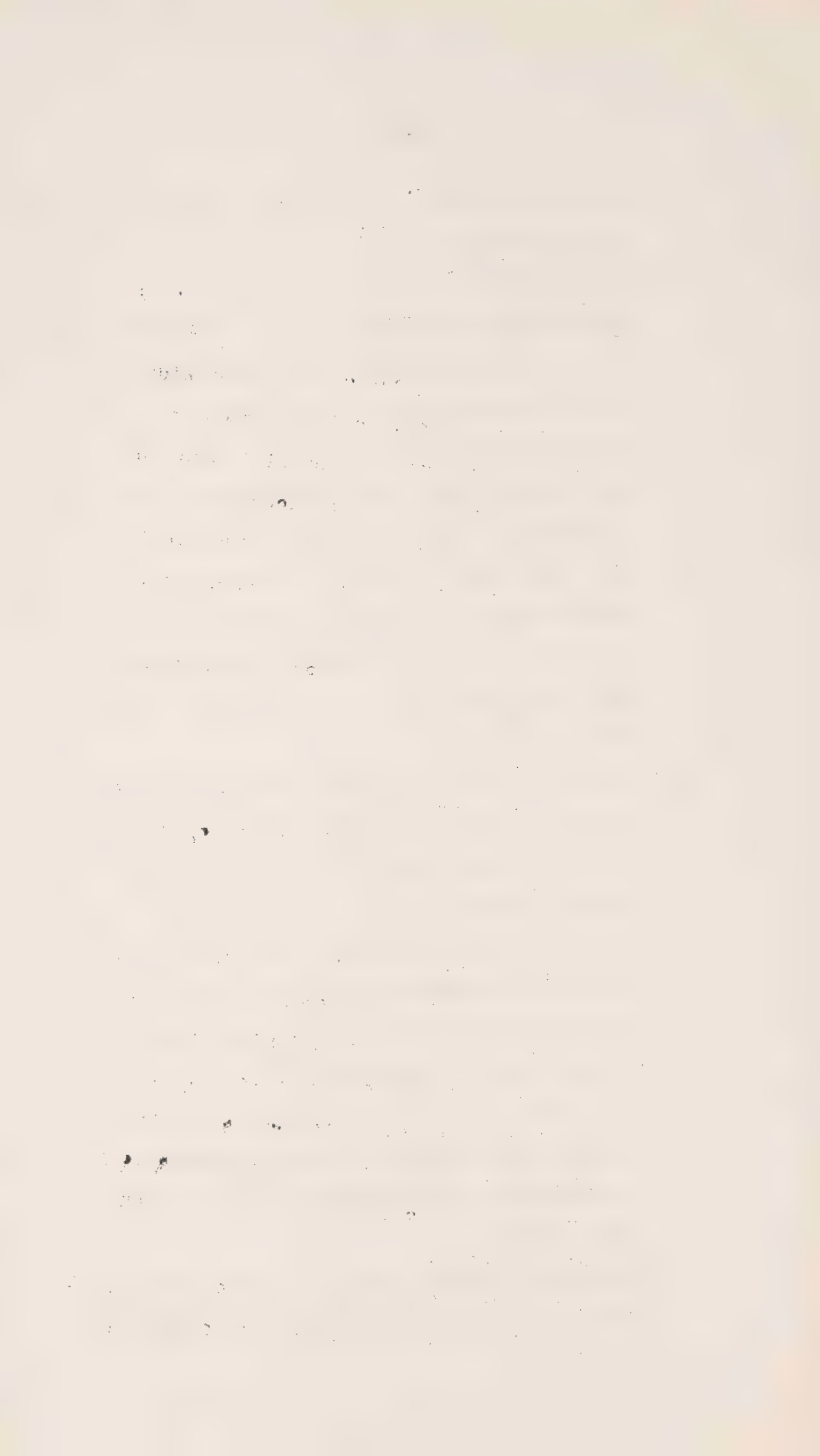
A. Track 7. And if the field man is in view of the engineer, the engine follower will drop off at the switch.

Q. At No. 7 switch?

A. No. 7 switch, for to protect and accelerate the reverse movement coming out again.

Q. Now if the yard foreman isn't there and you are going to couple up to No. 7, say 15 or 20 cars in No. 7, to hook on to the four you have, where would the engine follower go and where would the field man be on that kind of move?

A. The engine follower would accompany the move into track 7, keeping in view of the engineer



and field man, relaying signals.

Q. As they come out of No. 7, will you position the ground crew - it is just two members now?

A. The field man would stay back, and the engine follower would take the position on the front right corner of the engine coming out of that siding, until he comes out to a point where there is an unobstructed view of the engine man.

Q. An unobstructed view of the engine man on the lead?

A. On the lead, yes.

Q. In making these switching moves in the yard, is there any rule here that in your opinion protects that kind of move from what you call a siding or a yard track into the lead?

A. Yes.

Q. I am referring to Exhibit 27?

A. Yes; Rule 104 I believe covers that: Shoving sidings out or leaving cars ~~follow~~ foul.

THE CHAIRMAN: What page?

MR. SINCLAIR: I think he is going to refer to page 61, sir.

BY MR. SINCLAIR:

Q. Is that the rule, Mr. Alver?

A. Yes, the second from the bottom of page 61.

Q. Would you mind reading that?



- A. "A train or engine must not foul a track until switches connected with the movement are properly lined, or in the case of spring switches the conflicting route is seen to be clear."
- Q. Now Mr. Alver, to clean this up at this point: When there are say two or three engines working in an area, one is on the lead and the other is in the body track, what is the practice as to co-operation between the crews, or lack of co-operation?
- A. They have got to co-operate, and that co-operation is enforced by the yard master when he is right there on the job, and there is an understanding between the yard foreman of each engine as to who is going to use the lead next.
- Q. Looking at page 10 of Exhibit 80, have you any particular comment on that page which you wish to direct to the attention of the Commission?
- A. This was the ice house lead engine, West Toronto, engine 7032. There was no signal relayed through the fireman, and the ground crew were in full view of the engineer while switching a 20-car cut of cars off



954, and trimming 12 and 17 tracks and coupling van on to Kinnear train. Later, the fireman called out 2 car space in track 12, while the engineer was taking signals direct from ground crew, when exception taken with fireman he replied that he always does it --

Q. Is that "fireman" or "foreman"?

A. "Fireman". When exception taken with fireman he replied that he always does it. He was told that this might distract the attention of engineer and miss a signal.

That was 9.35 to 10.35 p.m., when I rode that engine.

Q. Mr. Alver, at my request you made some observations of final inspection in Toronto Terminals.

MR. SINCLAIR: Mr. Chairman, I have here a statement headed "Summary of Observations made by Superintendent A. Alver of work performed by fireman during preparatory inspection period in Toronto Terminals."

THE CHAIRMAN: Exhibit 81.

HON. MR. McLAURIN: This is preparatory?

MR. SINCLAIR: This is preparatory.

EXHIBIT NO. 81: Summary of Observations made by Superintendent A. Alver of work performed by fireman during preparatory inspection period in Toronto Terminals.

MR. SINCLAIR: Mr. Chairman, I should explain that you will observe that this exhibit has one column missing from it, that is the time the engine arrived at the change off point. I am merely filing the statement. It is really not helpful, sir, except that you can see the time the engine made the first move, and also the work that the fireman performed, based on Mr. Alver's observations. But unfortunately, the exhibit without that other time factor is not helpful. I just file it on that basis.

THE CHAIRMAN: It speaks for itself.

MR. SINCLAIR: That is right sir.
It does show the story in part, but not completely.

BY MR. SINCLAIR:

Q. Now Mr. Alver, you also made some observation of final inspection?

A. Yes.

MR. SINCLAIR: Mr. Chairman, I have another statement which with your permission I would file.

THE CHAIRMAN: Exhibit 82.

MR. SINCLAIR: This is headed "Summary of Observations made by superintendent A. Alver and work performed by fireman during final inspection period."

EXHIBIT NO. 82: Summary of Observations made by superintendent A. Alver and work performed by fireman during final inspection period.

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BY MR. SINCLAIR:

Q. Have you a copy of that statement before you, Mr. Alver?

A. Yes.

MR. SINCLAIR: This exhibit, Mr. Chairman, pretty well speaks for itself. It shows the time of arrival at the change-off point, the work performed by the fireman, according to Mr. Alver's observations, and the time the fireman stepped off the locomotive.

BY MR. SINCLAIR:

Q. Mr. Alver, in these change-off points have you tested how long it takes to go from the change-off point to the yard office, or the round house, or wherever the fireman would go?

A. Yes, I have made absolute tests of my own. From where the engines change-off in front of the yard office, it is a matter of two or three minutes to go from the yard office to the change-off where the engine is located. On the shop track, taking it from a point at the west end of the coal chute in Lambton shop, at a slow walk down to the locomotive foreman's office, including climbing up the stairs, four minutes actual time.

Q. Do the yard crews regularly assigned in the Toronto Terminals book in and book out?

A. No, they are not required to.

Q. After a fireman gets off an engine at the change-off point or at the shop track, what else has he got to do?

A. He goes home.

Q. He just goes home?

A. Yes.

Q. So that in making these moves and the times you have described, that would be when they booked out at the commencement of their shift, would it?

A. Let me get that question again.

Q. You said it would take two or three minutes when the change-off point is in front of the yard office, and four minutes including walking up the stairs?

A. Yes.

Q. Your evidence had to do with the time it would take to go from the booking out or booking in place, if you had to do that, to the locomotive?

A. That is where the bulletins and the comparative clock is.

HON. MR. MARTINEAU: Is it two or three, or four minutes, or is it an additional two minutes?

THE WITNESS: The change-off tracks are a little closer to the yard office than the

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shop tracks to the locomotive foreman's office.

MR. SINCLAIR: I think the witness said it would take two or three minutes when they were going from the yard office to the change-over point, and when they were going from the shop track, including walking up the stairs to the yard foreman's office, it was four minutes. They are two separate places, from the engine at the change-off point, and from the change-off to the shop.

BY MR. SINCLAIR:

Q. Now Mr. Alver, if firemen were removed from all diesel yard engines in the Toronto Terminals, how many additional assignments if any would you have?

A. I would not have any additional assignments.

Q. How many additional members of ground crews would you have if firemen were removed from all yard diesels?

A. It would not be necessary to add any more yard men to the crew.

Q. If firemen were removed from all diesels in the Toronto Terminals, Mr. Alver, what effect in your opinion would it have on your safety record?

A. I can't see that it would make any difference at all. In fact, I think the crew would be more safety minded if they

1. The first part of the paper is devoted to a general discussion of the problem.

2. The second part is devoted to a detailed analysis of the case.

3. The third part is devoted to a detailed analysis of the case.

4. The fourth part is devoted to a detailed analysis of the case.

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15. The fifteenth part is devoted to a detailed analysis of the case.

16. The sixteenth part is devoted to a detailed analysis of the case.

17. The seventeenth part is devoted to a detailed analysis of the case.

18. The eighteenth part is devoted to a detailed analysis of the case.

19. The nineteenth part is devoted to a detailed analysis of the case.

20. The twentieth part is devoted to a detailed analysis of the case.

21. The twenty-first part is devoted to a detailed analysis of the case.

22. The twenty-second part is devoted to a detailed analysis of the case.

23. The twenty-third part is devoted to a detailed analysis of the case.

24. The twenty-fourth part is devoted to a detailed analysis of the case.

25. The twenty-fifth part is devoted to a detailed analysis of the case.

26. The twenty-sixth part is devoted to a detailed analysis of the case.

27. The twenty-seventh part is devoted to a detailed analysis of the case.

had one less man on the job.

Q. If all the firemen were removed from yard diesels in the Toronto Terminals, how would you do the switching at the points set out in Exhibit 79? These points, Mr. Alver, are Toronto Terminal warehouse, Victory Mills, Dominion Malting, and Harris Glue?

A. That service could be performed by dual control engines, cab signals, or semaphore, or walkie-talkie.

Q. You say walkie-talkie?

A. Yes.

Q. Is that radio?

A. Yes, radio.

Q. You say that you would have dual controls stationed on the engines. How many engines would you have to equip in Toronto Terminals, in your opinion?

A. Two.

THE CHAIRMAN: Mr. Sinclair, the other answer was not clear, where all these things are mentioned. Does that mean that they would have to have all these things in every one of these localities, or some in one and some in another?

BY MR. SINCLAIR:

Q. You mentioned, Mr. Alver, if firemen were removed from the diesels in switching you would have dual controls, cab signals,

walkie-talkie radio and semaphore?

A. That is correct.

Q. Would you require, as the Chairman has asked, that these appliances be applied to each engine, that is all of them?

A. No, either one of them.

THE CHAIRMAN: But you would not have a semaphore on an engine. Why not take the Toronto Elevator Company, and tell us what you would do there.

BY HON. MR. McLAURIN:

Q. Deal with dual controls. That is one cure?

A. Yes.

MR. SINCLAIR: That is what he said.

HON. MR. McLAURIN: Let us stick to that one.

MR. SINCLAIR: He has said the others were alternatives.

HON. MR. McLAURIN: Let us not get into all of them.

BY MR. SINCLAIR:

Q. Mr. Alver, take the Toronto Elevator Company: If firemen were removed how would you do your switching? Take an instance when you are going to put in ten cars, into the Toronto Terminal Elevators, and there is no fireman on the engine to take the signals from the ground, how would you do it?

A. And you have no dual controls?

THE CHAIRMAN: No.

BY THE CHAIRMAN:

Q. Mr. Alver, your attention is being directed to the Toronto Elevator situation?

A. Yes.

Q. And you have no fireman. What additional equipment if any would you need on the engine, or on the ground, to enable you to do that properly and safely without a fireman?

A. We would have to have a dual control engine to switch the Toronto Terminal Elevators.

Q. That is all you would need?

A. That is all I can see.

Q. I take it from that that if you had dual controls the engineer would move over to the left-hand side where he could see the ground crew?

A. That is correct. There is one side in the elevators we can switch now with the engineer. When you go to the other side of the elevator you have to switch with the fireman, because there is no place in that location where you can turn the engine around.

BY MR. SINCLAIR:

Q. Take the next one, the Terminal Warehouse Company. You have no fireman: Now, what

additional appliances if any, would you require on the engine to switch there?

- A. The same as the Toronto Terminal Elevators, dual controls.

BY THE CHAIRMAN:

- Q. Would you need anything more on the ground?

- A. No, nothing more on the ground.

BY MR. SINCLAIR:

- Q. What about Victory Mills?

- A. The same situation applies there.

- Q. And Dominion Malting?

- A. The same there.

- Q. Harris Glue?

- A. The same there - overhead and side restrictions.

- Q. You gave us Dominion Malting?

- A. It is the same; the elevators are the same, overhead and side restrictions, and curvature.

BY THE CHAIRMAN:

- Q. What did you mean by referring to walkie-talkie, semaphore and all these other things?

- A. If they did not go to dual controls, then they could use a walkie-talkie radio, or semaphore at those locations, to control the movement.

- Q. I do not appreciate this. Take these cases one at a time. Do I understand

you to say that if you had an engine equipped with dual control, you could function properly there without a fireman?

A. That is correct.

Q. Is the semaphore or walkie-talkie a substitute for dual controls?

A. It is a substitute if you did not want to go to the expense of putting dual controls on.

THE CHAIRMAN: Mr. Sinclair, I think it would be better to have these explained one at a time, without getting into a whole mass. We know now about dual controls. If you do not have dual controls what do you do at the Toronto elevators?



BY MR. SINCLAIR:

Q With no fireman and no dual controls how would you do the movement?

A We would have to have some other substitute other than dual control.

Q What, for example?

A Walkie-talkie or semaphore or cab control.

Q Now, we will take them individually. If it was a semaphore where would the semaphore be?

A In the best location in each property where the yard foreman could see what was going on in the siding and at the same time the engineer could see the semaphore.

Q And who would work that semaphore?

A The yard foreman.

Q And the semaphore would be on a mast or building?

A On a mast, say, 22 feet high or something like that.

Q Would the same apply to each of those examples that you have in Exhibit 79?

A Well, every firm has different physical characteristics, they might not all fit in.

Q You said cab signals. How would that work?

HON. MR. McLAURIN: You finished semaphores as to one location but he said that in some places semaphore would not work.

MR. SINCLAIR: That is right.

HON. MR. McLAURIN: What else would he do where semaphores would not work?

BY MR. SINCLAIR:

Q Where would it not work?

A It would not work in the Victory Mills or Dominion Malting.

THE CHAIRMAN: Would or would not?

MR. SINCLAIR: Would not, sir.

BY MR. SINCLAIR:

Q Would not work in Victory Mills or Dominion Malting?

A That is right.

Q Perhaps I can get at this negatively. Where would it not be possible to use cab signals on these locations?

HON. MR. MARTINEAU: Before we leave semaphore, because you have to understand we know nothing -- I take it the semaphores are on the engineer's side?

MR. SINCLAIR: That is correct, with a mast 22 feet high, he said.

HON. MR. McLAURIN: But they have to be visible from the engineer's side where he sits?

MR. SINCLAIR: Yes sir.

HON. MR. McLAURIN: And the reason they are anywhere is because you can't have a field man there because of the obstruction?

MR. SINCLAIR: Yes sir.

HON. MR. McLAURIN: How are these things run, electrically from the other side of the track?

HON. MR. MARTINEAU: There is this foreman.

BY MR. SINCLAIR:

Q How do these semaphores operate, Mr. Alver?

A They can be operated manually or by push button.

Q "By push button", does that mean electrically?

A Yes.

Q And who are they operated by?

A The yard foreman.

Q And what does he have in his view when he is operating the semaphore?

A He has the field man in his view at the point the cars are going in, where they want to stop and what signals are being given.

BY HON. MR. MARTINEAU:

Q Supposing he has not got the field man in view, then what happens?

A Then he stops the movement.

Q But if he wants to have a movement?

A He will at these locations where the obstruction is on the right-hand side and the working space is on the left-hand side.

Q I know, but could you have a push button further away near the point of the movement or the end of the movement?

A Your push button, your control could be farther away from the mast. It doesn't absolutely have to be on the mast of the signal; it could be 15, 30, or 40 feet away.

Q Because if the engineer could see the semaphore and if the foreman is at the bottom of the semaphore then there is no use having a semaphore

because he can see the foreman?

A The semaphore would bring the engineer --

Q Do you mean to say the foreman would be on the other side of the track?

A That is right. The semaphore would bring the engineer up to full view of where the men are working.

Q If he was on the left-hand side where they could see everything that is necessary for the movement of the train. The only thing is that they have the engineer on the right-hand side and by reason of electrical equipment they notify the engineer on the right-hand side by controlling semaphores that are on his side?

A That is right, it could be handled that way.

BY THE CHAIRMAN:

Q And the mast of the semaphore would be on the right-hand side but the semaphore itself extends in such a way that the engineer could see it?

A The semaphore would be on the right-hand side controlled by push button electrically, electric wires under the track because he is working on the left-hand side.

Q Or in the case of a manually operated semaphore?

A In a manually operated you would have to have rods under the ground.

Q And the semaphore would still be on the right-hand side?

A On the right-hand side.

Q Perhaps I have not clearly in my mind what a semaphore looks like. I have in my mind a mast with a board that goes up and down?

A That is right, a perpendicular pole with a board about four feet long that sticks out with a blade on it and at night there is a red and green light on it.

Q A light on what?

A In behind the ends of the board.

Q That is a light on the end of the moving part of the semaphore?

A That is right.

MR. SINCLAIR: Page 138 of Exhibit 27 gives examples of semaphore types of signals. You will see, Mr. Chairman, there is a board, square ended and pointed and these have different meanings for road operations which would not apply in yards necessarily, but in addition you will see that on the bottom part of the board that moves from position to position these are all at "Proceed", there is a light which in each of these cases is showing green. The next one would be yellow and the next one would be red. Those are the lights.

BY THE CHAIRMAN:

Q You are looking at page 138, Mr. Alver, are you?

A Yes.

Q And are the semaphores that you refer to Figures 1, 2 and 3?

A That is correct.

Q Not 4, 5 and 6?

A No, not 4, 5 and 6.

Q All right. Then, in the case of a walkie-talkie I suppose that speaks for itself; the engineer hears in the cab the voice of the field man on the ground at the left-hand side?

A That is correct.

Q Or the yard foreman?

A Yes, whoever carries the walkie-talkie.

BY MR. SINCLAIR:

Q Now, of all these types of alternatives, Mr. Alver, that you have spoken of, which do you prefer to meet the situation?

A I would prefer the dual control.

Q Would that apply to each of the layouts of the exceptions set out in Exhibit 79?

A That would cover all of the layouts we have now and take care of the future.

BY HON. MR. McLAURIN:

Q You say you just need two locomotives?

A That is correct.

Q Because your whole yard operation in Toronto terminals, that you could have the duals available for all operations?

A A dual control engine would be assigned to a territory working three shifts out of the 24.

MR. SINCLAIR: Please answer my friend.

BY MR. LEWIS:

Q Mr. Alver, if I may start with page 1 of Exhibit 80, the record of observations of actions of firemen in yard diesels, you mentioned the fact that I was on that engine with you?

A That is correct.

Q Do you recall a little conversation you and I had at the time, another one than the one you mention here? I don't blame you, let me see if I remember correctly and remind you about it. We were at one point, you may recall, were we not, taking the engine out, a car leading movement?

A Yes.

Q But the cars were attached to the nose of the engine part?

A Yes.

Q Is that right?

A That is right, we were pulling a cut of 15 cars on Track 24.

Q I don't know the track number. At that time you will remember the engineer was looking towards the cars; in other words, in a direction opposite to the direction of his movement, is that correct?

A Yes, momentarily.

Q While he was receiving signals?

A Yes, momentarily he would be looking this way and then once in a while this way and then back towards

the direction of the man ahead of him.

Q I just want to refresh you on that little conversation. Do you agree that the engineer was looking towards the cars in the direction opposite to the one he was going as against that where the signals were coming from?

A That is correct.

Q Do you recall, Mr. Alver, me asking you whether when that was happening and you had no fireman, he would be looking in the direction of the movement at that point?

A Yes, I do recall that.

Q And do you remember what your answer to me was?

A I told you that the engineer would look back and forward.

Q Your answer was that the engineer would then have to turn his head from time to time?

A Yes, it is just a matter of turning their heads this way and the other. They do it all the time. It is common practice all over the yard.

Q I am not questioning that, but if the signals continue for a minute or two and your movement continues that way for a minute or two -- as it might easily do, might it not?

A No, not for a minute or two. It doesn't take that long to take a glance around.

Q I say the movement might continue for a minute or two?

A Oh yes, it is just a matter of running down the

track, that is all. He is not losing anything, he is not gaining anything.

Q If I may say so, Mr. Chairman, with your permission, you have given your answers to Mr. Sinclair, if I may say so, in an exemplary way, very clearly, and I am sure you can do the same for my questions.

A I will do the best I can with you.

Q My question was to you, am I not right in thinking that this movement pulling these cars out may last a minute or two, I will say maybe three or four at some times if you are pulling out of a track to take it up to some switch?

A To where you reverse to go back?

Q Yes?

A Oh yes, it would take three or four minutes.

Q And during those three or four minutes the engineer must give his major attention, must be not, to the cars from where the signals are coming, from the ground crew at the side?

A The engineer knows when he pulls out of the siding on that particular job that he has pulled them off a train that has arrived and he knows he is going from that yard away down to 24 and he knows he is going to go up the big lead to switch them out, and when he is pulling them down there he will automatically look both ways. He is sitting on a swivel chair and he has a clear view ahead and behind.

Q But at that time when we were in the engine,

the engineer's helper was looking in the direction of the movement all the time?

A Yes, the engineer helper was keeping his eyes skinned behind.

Q And it is your opinion, is it, that in that kind of movement that I have described and you agree happens, in that movement there is no additional hazard whatever if there is not someone looking in the direction of the movement all the time?

A I don't agree with you there that there is any additional hazard if we didn't have somebody else there because it is automatic with anybody running an engine to look both ways whether they have a lookout or not.

Q They can't look both ways at the same time?

A This is in yard service I am talking about.

Q You would agree they can't look both ways at the same time?

A No, that is right.

Q And your position is that even during the intervals when they cannot look in the direction of the movement there is no addition to the hazard at all?

A I would say none.

Q You told us this morning, Mr. Alver, I think, that in your Toronto terminal you now handle from 5,000 to 6,000 cars a day?

A That is correct.

Q It tapers off, I think you said, on Sunday and

Monday to about 4,500?

A That is correct.

MR. SINCLAIR: That count is the count in and out. You said handled 5,000 to 6,000 cars. That would make 12,000.

MR. LEWIS: I assumed that the count was on the same basis as the other counts.

MR. SINCLAIR: I know. You used a different word.

BY MR. LEWIS:

Q Will you tell the Commission, Mr. Alver, what if I remember correctly you told me on the day you immortally recorded on page 1 of Exhibit 80 what the yards were originally built for?

A Twelve hundred and fifty cars in each yard working capacity with a total of 2,000 holding capacity.

Q So that you are now handling cars in and out considerably in excess of what the original intention was, isn't that right?

A Oh yes, there are more cars handled. The business we are getting now was not contemplated when those yards were built.

Q And it follows from that, does it not, Mr. Alver, that you have a relatively congested yard operation now?

A We have full tracks. We are going 24 hours a day. There is never any stoppage in work. It is congested to the point where we have got to hold



trains out until we get others away before we can take them in.

Q You are a busy yard, then?

A Congestion causes delay.

Q You are a very busy yard?

A It is a very busy yard. It is going 24 hours a day.

Q Mr. Alver, can you give the Commission an idea of the number of employees to start with, the number of railway employees who may be found working in one capacity or another in your Toronto terminal yard? Let me limit it to the West Toronto and Lambton yards ignoring the others?

A In addition to the yard crews?

Q Well, let us start with them so we get a complete picture.

A With the yard crew we have five men on each engine. Do you just want on the ground?

Q No, let us have the whole thing.

A Five men on each engine and we have sectionmen --

Q Just a moment, you have five men on each engine and you have, if I remember correctly, 76 assignments, was it?

A Forty-two assignments.

BY THE CHAIRMAN:

Q Not only two yards?

A They are not all working in the yard. They work out of the yard, some of them, to Leaside, Etobicoke and Emory.

BY MR. LEWIS:

Q But all these people connected with the assignments, the enginemen and all the crews would have to get to those engines when they start work?

A That is correct.

Q And lead those engines and anything they have got with them out of the yard?

A That is right.

Q So you would have those 42 assignments times five, that would be 210 people in the course of 24 hours in respect of those assignments, is that right?

A That is right, they go out, they have got to come back again.

Q They have got to go out and they have got to come back again. Whom else would you have working in the West Toronto and Lambton yards?

A In what capacity?

Q In any capacity at all. Let me take car men?

A All right, we have car inspectors, car repair men, light repair men, we have heater men who look after the heating and icing of perishable traffic, we have customs men, we have yardmasters and sometimes call boys and train checkers.

BY HON. MR. McLAURIN:

Q What was that?

A Call boys and checkers. The call boys have to go from the roundhouse up to the live vans to call the crews.

BY MR. LEWIS:

Q What number would that total to?

A You have different men on each shift for each service. They are not all in one yard, they are spread out in the two yards, Lambton yard and West Toronto yard, and I presume there is about ten men to each shift of car men.

Q Of the car men?

A Of the car men, and the heating and icing men there are 6, 7, or 8. It depends on how much icing we have got to do on the incoming trains.

Q I am instructed that you have about 14 of these car men on the first morning shift, about 16 on the afternoon shift and about 16 on the night shift. Would that be about right?

A It might be. I have no positive figures of the car department employees going out in the yard, it is just my recollection of seeing them, that is all.

Q And I am also instructed that you would have about 8 to 12 car checkers in any one of the three shifts?

A They are different employees, but there is only one man that goes out to check one train at a time. The train checker's work is mostly done in the office but there is a different man goes out all the time to check the trains as they are ordered and supplied.

Q Then, you have some police, one policeman per shift?

A One policeman per shift and one sergeant per shift.

Q I am instructed that you have people who are called lamp cleaners?

A They come under the section. They come under the category of a section.

Q And there would almost always be some section men working in addition to these lamp cleaners in your yards?

A The section men are continuously maintaining track and tightening angle bars, switches and everything in conjunction with track work.

Q And there would be a number of them always at work day and night?

A There are regular forces for different sections of tracks permanently. The track is patrolled each day and any necessary repairs and maintenance are carried out.

Q Of all these people have you any idea whether the people who are not connected with your engine and ground crews that work on the engine, have you any idea whether the other employees working in the yards would be as numerous as your yard crews and ground crews?

A No, they would not be as numerous.

Q They would be very close to that, would they?

A They might come close but they are not as many because you have three men to each engine. They are on the ground.

Q I suggest to you, Mr. Alver, that in view of the business of your yard and these numerous ~~other~~ employees working in the yard not connected with the movement of the engine that the kind of situation we discussed before where the engineer must centre his attention on the signal givers in the direction opposite the direction of his movement, that the removal of eyes that could follow the direction of movement could not help but increase the hazard involved?

A No, I won't agree with you there, because if you are an engineer and you are handling an engine like we were on that occasion, for instance, I could take that engine down there myself and still keep observation, view enough of conditions behind me and still catch their signals on the ~~other~~ hand.

Q The Chairman asked you when you were discussing this before our adjournment at noon, I think, about someone working on an adjoining track and stepping on the track on which your movement is taking place and you referred, if I understood correctly, you referred the Commission to Rule 112 if my notes and my memory are right?

MR. SINCLAIR: Page 66, Mr. Lewis,
Exhibit 27.

BY MR. LEWIS:

Q And I think it was the third paragraph of that rule that you had referred to?

THE CHAIRMAN: Second last one on the page.

BY MR. LEWIS:

Q Second last on that page?

A Yes.

Q (Reads):

"Before coupling to or moving cars being loaded or unloaded all persons in or about such cars must be notified. Vehicles and loading or unloading devices must be clear."

I put to you, Mr. Alver, the sort of question I put to others. You would agree with me that accidents occur frequently because people fail to observe the rules?

A Violations do occur on a railway, I agree with you there.

Q And accidents occur because of that failure to observe the rules?

A That is correct, accidents occur from neglect in living up to the rules laid down and they have got to be governed by.

Q I suppose if everybody lived up precisely to all the rules laid down, not only in Exhibit 27 but in your other bulletins as well, that is when you would have an ideal situation of no accidents due to human failure. There might be some due to mechanical failure but there would

be none due to human failure if they followed all your rules?

A Well, I never expect to see the day when the railway operation is going to be 100 per cent in preventing accidents or injuries to persons.

Q Precisely, Mr. Alver, and you do not expect to see that day, isn't this right, because you know that with human beings there will be some violation which is not foreseen by somebody, **isn't** that correct?

A That is correct.

Q So that a mere reference to the rules does not, I suggest to you, in any way answer the question put to you earlier by the Chairman which I now put to you. I think my question was improperly put, not very clearly. Suppose that your people had followed this rule, they have notified everyone within sight about the movement and they have made sure that all the vehicle loading or unloading devices have been cleared away and all that sort of thing --

A Yes.

Q They followed that rule but I, as a person working there, forget for the moment the advice which I had been given, that happens, doesn't it?

A It could happen.

Q And I step on to the track in this movement of yours, the one I have described to you where the engineer is looking in the direction opposite

to the direction of his movement?

A Yes.

Q What then?

A The engineer is not watching continuously in the one direction. He is automatically switching his head around back and forth and making a movement like that (demonstrating).

Q Would it take very much for the person ahead, would it take very much time for the person say 40 or 50 feet ahead to step on the track?

A No, it would not take too much time, but if the engineer sees someone coming close and does not have a good idea what that person is going to do he centres more attention on him.

Q Mr. Alver, would you not agree that in this thing we are discussing which I respectfully suggest to you is a possibility in your operations, a distinct possibility, would you not agree with me that if there is a person constantly on the lookout in the direction of that movement we have been discussing that the chances of the person forgetting your rule and stepping on the track being seen in time for the engine to stop before injury are much greater than they are with those eyes looking in those direction?

A I take it in this light, that last year we had 26, I think, crossing accidents in the Toronto terminals division, and out of those 26 they were unavoidable because we could not get stopped

even though the fireman did call that there were vehicles coming across the crossing. The same applies in the yard. Every time you see an employee walking around the yard the engineer does not stop because he figures he is an employee and knows how to control himself and look after himself in the yard.

Q I would appreciate that, otherwise you couldn't carry on your work at all?

A That is right.

Q These 26 crossing accidents, you mean street crossing accidents you are talking about?

A Well, street and highway.

Q In the Toronto terminals?

A In the division, yes.

Q The division shown in Exhibit 72?

A From Cooksville to Agincourt and from Emory down to Toronto.

Q The area sketched out in Exhibit 72?

A That is correct.

Q Can you tell me whether any one of those 26 accidents that did occur might have been worse than they were if the firemen had not drawn attention to this situation?

A No, they both got knocked off the crossing and landed on the track or in the ditch or something to some extent. The vehicles were not all from the left. They were from the right as well. Now, how they are divided I don't know,

but I do know that the fireman on there didn't prevent an accident.

Q But you can't say and you --

A Oh no, the speed is there and you just can't judge what everybody on the crossing is going to do.

Q And you can't say whether the fireman being there did not prevent one of them from becoming a worse accident than it was?

A I couldn't definitely say that, to what degree he prevented more serious injury, I couldn't say that.

Q Nor can you say, Mr. Alver, as to whether or not you would not have had more crossing accidents if there were not eyes on the left side of the engine?

A I don't know how we would have more because the speed is there and you just can't stop on a dime with a train or an engine.

Q You would not know, Mr. Alver, would you, of the occasions where the eyes on the left side of the engine did in fact avert an accident if it did occur?

A It has not been reported to me. I have not observed it.

Q And it would not be reported to you in the normal course?

A Nine times out of ten it would not be reported.

Q And that tenth time if it was reported to you

would there be a written record of it?

A Some conscientious employee might write me in a letter or somebody looking for merit marks lets me know.

Q Does he get them?

A Anybody deserving a merit mark would receive it.

Q I am sure they would, Mr. Alver --

THE CHAIRMAN: We will take a break now.

Recess.

BY MR. LEWIS:

Q Mr. Alver, in view of your statements to me that (1) you can't know how many of those 26 crossing accidents might have been worse if the fireman had not been there to alert the engineman and (2) that you did not know of any cases because they would not be brought to your attention where the fireman averted an accident altogether -- in view of those two things how can you state so positively under oath that the fireman not being there would make no difference whatever to the hazards involved?

A These accidents that I referred to were caused by passenger trains and freight trains. There was only one crossing accident that I know of with a yard engine, and if something did happen where the fireman could have avoided it or did avoid it then it should have been reported to me

according to General Rule E, I think it is, in our book, the Code of Rules.

Q That is Rule E on page 3 of Exhibit 27 you are talking about:

"Employees must render every assistance in their power in carrying out the rules and special instructions and report promptly to the proper authority any violation thereof."

Is that what you are referring to?

A No, that is not the one, Mr. Lewis -- Rule L, page 4.

Q (Reads):

"Employees must always be vigilant to protect, and must promptly report anything detrimental to the Company's interest, and in case of danger to the Company's property must unite to protect it."

How is that rule interpreted to require anyone to report to you something that was done that was not detrimental to the Company's interest but to the contrary?

A That is not detrimental but any accident or affair or near affair that is caused and there is no damage or injury received out of it, it should be reported the same as if somebody was injured or property damage occurred.

Q Well, Mr. Alver, there is not any rule requiring

the reporting to you of the avoidance of an affair or an accident, is there?

A If the train has been brought to an emergency stop it should be reported to me.

Q There is not any rule requiring that, is there?

A I believe there is somewhere. I can't just pinpoint it.

Q You can't pinpoint it at the moment?

A No.

Q I still suggest you have not answered my question at all in my opinion. I still ask you in view of the fact that you cannot know all the things which I mentioned earlier how can you state so positively under oath that the removal of the eyes from the left side of the engine could not and would not increase the hazards involved?

A There is no definite way of me saying whether the fireman has or has not prevented an accident or injury. I can't definitely state whether he has been responsible for avoiding it or not.

Q And therefore, Mr. Alver, I suggest to you that you cannot, being anxious as I am sure you are, to give the Commission the best and most honest opinion you have, you cannot positively state to this Commission that removing the eyes from the left side of the engine would not affect the safety of operation?

A I will in so far as diesel engines are concerned.

A. Alver

It will have no effect on our safety program or efficiency whatever. In fact, I think it will improve the situation with the ground crew and the engine crew.

Q Why would it improve it?

A Because the yard and ground crew will know that there is no man on there on the left-hand side and they will take up their proper positions at all times which on occasion right now they are not doing.

Q Let us spend a little while on that. The proper position, as I understood you, for one of the ground crew, would be --

A The proper position of a ground crew is if a yard engine is pulling out of a siding on to a lead the engine follower will go out on the right front of that engine to a point where the view of the engineer is unobstructed and when he gets to that point he can get off and help with the work in the rear or relay signals with the balance of his ground crew.

Q You said this morning, did you not, Mr. Alver, in reply to a question by the Chairman again, I think it was, that there are occasions when the engine follower is busy elsewhere in a switching movement and he cannot ride the right front step?

A That is, after he has rode the engine out to the point where he leaves the engineer at an unobstructed view and then goes back to work at the rear of the engine.

Q Then goes back to the rear of the engine?

A That is correct.

Q In that situation the engine is pulling up is it?

A Well, after he takes him down to the unobstructed viewpoint then he goes back behind the engine and works with the engineer because it is back and forward.

Q I am sorry it is probably my fault. The engine is pulling, is it?

A He has pulled the cars out of a siding on to the lead.

Q And the engine continues on the lead?

A The engine continues on the lead with the engine follower on the right front steps of the engine to a point where the engineer has a clear unobstructed view. At that point the yardman gets off and works right in the immediate vicinity of the engine for the backward movement.

Q He takes the engineer up to that point, he stops him, gets off the right front steps and backs him up?

A That is right.

Q But all the time that he is pulling he stays there on the right front step?

A That is correct, that is his proper position when he is pulling out.

Q And if he has been back six cars from the engine coupling or uncoupling as the case may be then the engineer has to wait until he comes up?

A He won't give him a sign to go ahead until he walks up. He won't give the engineer ^{the sign} to go ahead until he gets up into position.

Q When you say he won't you mean in the past he has not done if he is not in the proper position?

A In the past he has.

Q Your point is the engine should stand until he walks up the six cars and the length of the engine and gives him his proceed signal?

A That is correct, the engineman cannot move until he gets a signal from the engine follower. The engineer cannot move that train until he gets a signal from the engine follower either from behind or in front.

Q But properly operated the engine won't move until he walks up and gives that signal?

A That is correct.

Q But when he stands on the right front steps of the engine that would be, if I understand correctly, the forward point of the locomotive, about 20 feet or whatever the case may be away from the engineer?

A That is the three steps leading up to the deck of the engine cab.

Q It would be some feet away from the place where the engineer is?

A The engineer would be right there where he could look down and see him.

BY THE CHAIRMAN:

Q That is where the engine is moving cab first?

A The same thing applies sir --

Q But what you have just spoken about when the engineer can look down on the engine follower --

A Well, when the --

Q Don't answer until you have the question. What you have just spoken about is where the engineer can look down on the engine follower, that is where the engine is moving cab first?

A That is right.

Q But you are being asked about the engine moving with the engine first?

A The same answer applies. When the engine is moving engine first he is on the right front steps of the diesel and if it is moving cab first he is in the same position only on the cab steps of the engine.

BY MR. LEWIS:

Q But when the engine is first, if the locomotive is going engine first and he is on the front right steps he is some feet removed from the cab?

A Oh yes, he is a distance of 25 feet forward

of the engineer, yes, that is correct.

Q And in that position he has a clear view both left and right, that is your point?

A That is correct.

Q Because of that platform when he can look across at the foot of the engine?

A That is right his shoulder is above the platform.

Q And he can see the left side as well?

A That is right.

BY THE CHAIRMAN:

Q He can see the track in front of the movement, the whole track?

A The whole thing.

BY MR. LEWIS:

Q And in view of your statement that the engine follower would then be positioned properly you say that there would be an advantage in that with the fireman away in that he would always position himself properly?

A That is correct.

Q And in that respect you suggest there would be an improvement, is that what it adds up to?

A Yes sir.

Q Why is that an improvement, Mr. Alver?

A Well, they are more co-ordinated together and doing the work as they should do it.

Q At the moment in safety measure --

A There is no chance of them letting any loose practice creep in. They have got to be right on the spot because they know they have got to control the movement.

Q I appreciate that and I will come back to this loose practice in a moment. Why do you say it is an improvement over having the fireman there from the point of view of having the fireman there looking out all of the time?

A Well, these engines are confined to yard service and they are not running over crossings unless they are protected and there are no persons around the yard other than employees who are accustomed to these engines moving up one track or another and moving cars and your ground crew are all centred and the engineer and they have all got their proper positions. So it would make an improvement over what is going on today.

Q What I am asking you is -- you are not suggesting it would make an improvement in safety, in having the engine follower on the right-hand front steps over the fireman looking all the time -- it would not make any improvement in safety, would it?

A It would not make any further improvement in safety. There are still things happen that the fireman do not see.

Q And as a matter of fact you still have your employees who know about the movement of engine and cars and who are accustomed to it as you say and in spite of that you still have employees hurt in your yard, don't you?

A There are some employees hurt, that is correct.

Q And therefore I come back -- forgive me for pressing you -- in view of all that how can you state so positively that removing those eyes from the left side of the engine would make no difference to the hazard involved?

A Well, that is my candid opinion that it will not make any difference in our safety record by removing that man from the left-hand side.

Q You state that in spite of the fact that you have no knowledge of the influence or affect of the eyes on the left side of the engine in avoiding accidents -- you have no knowledge of that?

A I have knowledge of instances where the fireman has seen them and he figured the man was in the clear and he didn't call out in time and they struck him just the same.

Q One of the other witnesses who appeared earlier -- I have no idea whether you were here or not, Mr. Alver -- gave in one of his exhibits an account and dealt with it at some length in cross-examination of a case where a fireman in a yard -- I

forget whether it was Calgary or Vancouver -- was able to prevent a person from being killed, a yard foreman as a matter of fact-- the fireman was able to prevent the yard foreman from being killed by alerting the engineer to the fact that the yard foreman had stepped in the path of the moving engine. Do you know about that case?

A No, I don't know about that case.

Q That case was discussed at some length. Mr. Sinclair recalls and perhaps the Commission too. Isn't that kind of situation possible in the Lambton and West Toronto yards?

A It is possible. In any railroad yard, any yard you want to it would be possible for anybody to be injured.

Q And in that case I am putting to you, Mr. Alver, it was proven and agreed to by an official of your company that the fireman's presence was the thing that prevented that yard foreman from being killed. Is that not possible in your yard?

A It is possible but it has not happened in our yard.

Q But it is possible in your yard?

A In my 49 years of railroad experience it has not happened in my territory or anywhere where I was working.

Q Mr. Alver, I suggest to you that in your

49 years of experience your attention has not been drawn to anything like that happening is all that you can say?

A That is correct, I don't know of any such experience.

Q I am asking you whether such an instance could happen in the Lambton and West Toronto yards?

A It could happen in any yard.

Q And therefore I ask you again, Mr. Alver, in view of the fact that that can happen in any yard how can you under oath state so positively that the absence of eyes on the left side of the engine cannot make any difference?

A Because it has not happened to me in 49 years. I don't know of any one instance only what you have told me now.

Q All right, that is your answer to my question, is it?

A That is correct.

Q Now, you said, Mr. Alver, that you could recall two men who died, if I remember correctly -- I have not any notes before me -- two engineers who died on yard engines when the engines were not in motion, is that right?

A That is correct.

Q What were their names, do you remember?

A One of them was an ex-local chairman Archie Smythe of Keele Street.

Q And the other one?

A The other one was Jerry Mitchell of Parkdale, ex-air brake inspector who was engineer at the time.

Q In their cases their engines were standing?

A Standing still.

Q What exactly were the situations, can you remember?

A No, other than they were both tied up for their 20 minutes lunch period and they took ill during that time and passed out. They had to be carried off the engine.

Q I suppose, Mr. Alver, that it would not require terribly much imagination to see that having happen to those two men ten minutes earlier or ten or fifteen minutes later when their 20 minute lunch period would be over?

A That is possible, it could happen.

Q I am instructed, Mr. Alver, that within the past ten years at least three other accidents of that sort have occurred that my advisor can himself recall. Do you remember an engineer called Laird Binz?

A There were two Binze boys around there.

A. Alver

Q Do you remember Laird Binz? Do you remember him having a seizure or some kind of attack while on the engine?

A No I don't.

Q You don't recall that?

A No.

Q Do you remember a man called George Kennedy, an engineer who I am instructed had some kind of seizure or attack while he was on the engine?

A I remember George Kennedy but I don't remember of any accident on any occasion.

Q Do you remember a man called Tom Bloodsworth?

A Yes, I know two of them, Tom and Bill.

Q Do you remember any accident happening in connection with Tom Bloodsworth?

A No, I don't know. He was pensioned off, that is all I know.

Q He was pensioned off recently?

A Yes.

Q You don't remember him having a seizure of some sort on the engine?

A I have no recollection or knowledge of it.

Q You mean there is no record in the company's files about it?

A No, I would not say that; I have no record personally or no recollection personally.

Q Do you remember when Mr. Bloodsworth got his pension?

A I think it is three or four years ago, something like that -- I am not sure.

A.Alver

Q I am instructed he got pensioned off very shortly after his seizure on the engine.

A It could be. As I told you I have no knowledge of it. I remember him being pensioned off. We always have a little do for them and a little picture taken and he was in the picture, I know that because I seen him.

Q I imagine if my instructions are correct, Mr. Alver, that there would be something in the company's records with regard to the three men I have mentioned?

A Naturally so if it so happened.

Q And if there were other cases which my advisors can't recall they would also be of record with the company?

A They should be on file if they actually happened.

Q And, Mr.Alver, would you be able to find those records, you or your staff?

A I could have a search made for them.

MR. LEWIS: With your permission, Mr.Chairman, may I ask Mr. Alver to do so?

MR. SINCLAIR: I might say for Mr.Lewis' information and the information of the Commission that we will also search in our medical office in Montreal. I have looked up Mr. Bloodsworth and my information given me by the company is that his instructions are not correct. The facts were that this man when he was in the booking in office before he got on his engine some ten years ago did have a sick feeling or a slight indisposition and that is what

A. Alver

our records show about Mr. Bloodsworth.

In regard to some of the other names he has given us on his instructions I have had our medical records searched and there is no record of some of them whatever.

THE CHAIRMAN: Well, you can complete that, Mr. Lewis, and anything you want to bring out you can bring out.

MR. LEWIS: It may well be, Mr. Chairman, that the memory of my advisers might be at fault. That is why I keep on saying "I have been instructed".

THE CHAIRMAN: It sometimes happens.

MR. LEWIS: Yes, it sometimes happens to counsel but he always thinks it happens more often to his advisers.

THE CHAIRMAN: In defense of the profession perhaps I should say that is the usual experience.

MR. LEWIS: I understand that sort of search will be made, Mr. Chairman, and I will have the thing tracked down more.

BY MR. LEWIS:

Q Now, Mr. Alver, do you happen to have heard of an occurrence somewhere in Maine recently where a passenger train was brought to a stop by a fireman after the engineer had some kind of seizure on the engine of that passenger train?

A I read that in the newspapers. I seen the headlines in the newspaper but that is all I know about it.

A.Alver

Q That kind of thing, I suggest to you, Mr.Alver,
being
human beings/human beings, that kind of thing
might happen in yard service as well as on
road service?

A Yes, it could happen to me going out the door
just the same as if you were working on an
engine or anywhere else.

Q Yes, it certainly could happen to me as well
and if you are running an engine in a yard
and it happens to the engineer while he is
proceeding, while the movement is proceeding
in one direction or another, do you not think
that the hazard is increased in that situation
when there is not another man on the engine
who could take the controls over?

A No, I presume that they would relieve that
situation by installing deadman controls on these
engines.

Q In yard engines?

A On the yard engines, yes.

Q You know from your knowledge, do you, that that
would be a practical possibility in view of the
swivelling of the engineer back and forth?

A Well, I have not seen a yard engine equipped
with that type of equipment but I presume they
could be equipped the same as our road engines
and that would be my answer to anybody taking
seriously ill or dropping dead on an engine.

Q Is it part of your personal plan to recommend
that deadman controls be installed on yard engines?

A.Alver

A If and when the occasion arises.

Q What do you mean by that, Mr. Alver, if after somebody has created something serious?

A I mean if there is no fireman on the engine in the near future or something then we will ask management to put deadman controls on yard engines.

Q You therefore disagree, do you, with some of the other superintendents and people who have given evidence here and said to this Commission that in their opinion the deadman control on yard engines was not necessary?

A They are not necessary at the present time because we have a man there on the engine.

Q If my memory is not at fault -- and I don't think it is in this respect -- your statement to the Commission was that if the helper were removed from the yard diesel engine it would still be unnecessary to install a deadman control. You disagree with that?

A I would want an extra precautionary measure taken.

Q You would want an extra precautionary measure taken?

A Yes.

THE CHAIRMAN: Mr. Lewis, sometimes perhaps you will have it in mind from this point of view that you now have in your mind to give some thought to the bus driver who is alone on the highway. I would just ask you to have that in mind

A.Alver

to give some thought to the bus driver who is alone on the highway. I would just ask you to have that in mind sometime when you are talking about elimination of risks and what the public should require and does require.

MR. LEWIS: Yes. I will make that my evening's work this evening, Mr. Chairman.

THE CHAIRMAN: Well, sometime. That, I think is in line with what you are thinking about and we would like to know what you think the requirement should be.

MR. LEWIS: Right.

BY MR. LEWIS:

Q These deadman controls, Mr.Alver, have you any knowledge of whether or not they are entirely reliable for the purpose which you have in mind?

A There is nothing mechanical that cannot be brought up to date and made workable. They are working now on the road diesels on deadman's controls and I imagine they could be installed just as easily on a yard engine.

Q Will you tell me -- perhaps the Commission already knows -- am I right in thinking that if the foot if it is the foot as it is on the road engines -- the foot of the engineer comes off the pedal then the engine is brought to a stop. That is roughly what the deadman control is, is that right?

A. Alver

A Something along that line, yes.

Q Is it very difficult to imagine, Mr. Alver, that there may well be occasions when the foot just will not leave that pedal for one reason or another?

A That depends on the type of control pedal you have, to control the deadman.

Q In what respect?

A Well, it would happen to be something like a circle. It would have to fit for the yard engine. The deadman control would not fit on a yard engine because on a road engine you are either going one way or another with your foot right on that deadman control but in a yard engine you have to move around once in a while quite often and you will have to keep your foot on the deadman controls so it would have to be something in a semi-circular fashion or some type where you could drag your foot across it.

Q What I am suggesting to you is whether it is a bit of board or a bit of metal --

A I don't know what type they would come up with.

Q What I am suggesting to you is whatever the type may be if your person has a seizure and falls forward as might well happen you have not any guarantee that the foot of the person who has been thus seized either fatally or not fatally, that the foot of that person will necessarily remove itself from that pedal, have you?

A No, I have no reason to think that it might happen

A. Alver

or that it might not happen. It is the same thing with myself. I am driving down the street in my car and I put my foot on the accelerator and if I pop off I might keep it there but I am gone and that is it. There is nobody protecting me. I am in the car by myself and I keep my foot on the accelerator and I might pop off and I might not take my foot off the pedal. There is nobody to stop me or stop the car.

Q That is right, Mr. Alver, and you might hurt somebody on the way?

A That is correct.

Q But then it is your own car you are driving so you are not in the same position as the railway, are you, driving your own personal passenger car?

A You are not in a car, you are on an engine. There is not much difference. I can't see any difference in it.

Q You can't see any difference as to your responsibility as an individual driving a passenger car and the railway's responsibility as an organization?

A With a yard engine?

Q Yes.

A No.

Q Your responsibility driving your own car is no --- the railway's responsibility in a yard engine is no greater than your responsibility

A.Alver

driving a car -- is that what you are suggesting?

A It is my responsibility driving my own car if anything happens and if anything happens on the railway it is the railway's responsibility.

Q And you are saying that the railway has no greater responsibility to take precautions against that happening than you have driving your own car -- that is what you are suggesting?

A Yes.

Q Do you suggest that seriously, Mr.Alver?

A Yes sir.

THE CHAIRMAN: Does the deadman control -- I have forgotten for the moment, if the weight of the foot comes off it does that just put the brake on or does it cut off the power or both.

BY MR. LEWIS:

Q Which does it do, Mr.Alver?

A Cuts off the power and puts the brake on.

Q It is both?

A Yes.

THE CHAIRMAN: I was wondering when you were discussing it whether the same thing could not operate from the hand throttle. That is a matter of mechanics. We may have some evidence about it later.

MR. LEWIS: Yes, although I may say right away that I know nothing about it but knowing the advances made I have not much doubt in my mind that the engineers could find a deadman control that would suit the swivelling operation of the yard engine. I say that in recognition of their competence.

HON. MR. McLAURIN: You didn't know anything about railways until you came here.

MR. LEWIS: I am very grateful for the past tense. I don't think it is yet deserved.

MR. SINCLAIR: Our friend has been mixed up with railways for years, Mr. Chairman.

MR. LEWIS: Mixed up about them.

BY MR. LEWIS:

Q Now on that my final question is you would say, would you, that the presence of the deadman control on the yard engine would be equally as safe as having the engineer's helper remain in the cab on the left-hand side of the engine -- is that your position?

A That is my position, that is correct.

Q That it would just be equally as safe?

A That is correct.

Q You are seriously suggesting that a mechanical device which might go wrong without telling you is equally as safe as human eyes and human senses assisting the engineer in that situation?

A The mechanical and the human factors both produced failures in the past and they will as long as they are all there.

MR. LEWIS: If I may make a comment, Mr. Chairman, that is one remark I cannot disagree with.

THE CHAIRMAN: Well, if you are directing the question to a casualty on the part of the engineer then the deadman control would work best, in fact before anybody else could observe this happening, move across and manually effect the controls.

MR. LEWIS: At the times when it works, Mr. Chairman. If it is under control, and in condition, if there is no defect in it, and if the foot of the engineer comes off the pedal or the hand of the engineer if it should happen to be a hand throttle, I might suggest it might be. If it comes off and it is in good working order then presumably the effect is instantaneous, faster than the reflexes of the human being beside the engineer. But the reason for my question is that in my submission you run a much greater risk of the foot or the hand not coming off the point where the deadman control is controlled either by the foot or hand or something being defective with the mechanism and you would not even know about it, no one would know about it.

BY MR. LEWIS:

Q Furthermore, Mr. Alver, if you don't have the fireman there, say, in a transfer in yard service -- that is part of the area you are covering, is it not?

A In a transfer?

Q Yes, in a transfer, that is part of yard service going from one end of the yard to another or one yard to another?

A Going from one yard to another, that is correct.

Q And if you did not have a fireman on the left-hand side of the engine and you had this contraption, the deadman control there, all that might happen when you have the deadman control is that the movement stops?

A That is correct.

Q And if there is something behind the engine and cars or something ahead of it there is no one then in the engine to do anything about it, is that not right?

A No, that is not right. There is always a head end crewman, the engine follower. When you are transferring cars between one yard and another there is a head end yardman or engine follower. He is up in the engine with the engineer and fireman?

Q Are those his instructions?

A Like going from Cherry Street, Ashbridge's Bay to Parkdale and from Lambton down to Leaside or coming from Leaside to Lambton a head yardman, an engine follower, is out in the cab of the engine with the other two men.

Q Is that an invariable rule? I am asking you if there is a rule that he will be there?

A That is quite o.k. for him to be there, the

same as a train man on the main line train because he is not switching when he is transferring. They are going from one point to another without switching.

Q I want to get this straight. The head end train man on a road engine, that is his place in the cab?

A That is right.

Q He knows it, everybody else knows it, that is where he rides?

A Yes.

Q But in the case of your yard engine in a transfer movement up until now -- you may change that and I appreciate that -- but up to now the engine follower does not necessarily ride in the cab?

A No, he doesn't have to. In the summertime they will ride right up in the front. In the wintertime he will ride right up with the engineer and fireman.

Q And therefore you say you would have someone who could do something about it?

A That is right.

Q What training or qualifications or right would this front end yardman have to take hold of the controls of the engine?

A I don't know what qualifications he has but he can sure put the emergency brake on and we have lots of yardmasters and yardmen who have run

diesel engines in the yard and we have had to stop them.

Q You have to stop them because they are not qualified to do it?

A Because they are not qualified.

Q Because, as a matter of fact, Mr. Alver, they would be violating one of the rules in the Uniform Code as well as one of the rules of the Board of Transport Commissioners by running an engine without qualification?

A That is right but they have operated the engine and have had to stop that practice.

Q But they are not allowed to under the law?

A No, they are not allowed to but I say they are that simple to operate that the yardmen, a lot of them do know how to operate them and we have had to stop them.

Q We are often suggesting that the engineer of a diesel engine is performing a very simple job, so simple that an unqualified person could do it as well?

A We have very qualified engineers. We have as good qualified engineers on the C.P.R. as any road. I am not detracting anything from the engineers. The average yardman knows how to stop a diesel by putting it into emergency action. I would say so.

Q As a matter of fact, Mr. Alver, is it not true that in the last number of months your company

has been giving instructions to yardmen and train men in the application of the engine brake, I forget which one?

A Not to my knowledge, not in the Toronto terminals division.

Q Not in the Toronto terminals division?

A No, I have not issued any instructions whatever to yardmen at all in the Toronto terminals.

Q And you have no knowledge of that being done at, say, Smith Falls, or any place like that?

A No, I have never seen a bulletin to that effect.

Q And nobody has discussed it with you?

A Nobody has discussed it with me.

Q So you say this head end yardman would be able - to stop the engine if he is on a transfer?

A I would say the average man who has had a year or two experience would know how to stop the engine.

Q What you are saying is if he doesn't know how it would not take long to teach him how to apply the brake?

A They are observant when they are up in the cab of the engine, and he could do the same thing the next day.

Q But he would not be qualified to move the engine?

A No, he would not, but he would not attempt to move the engine.

Q And you don't think that having that engine and cars stop there in that situation is any hazard

either?

A No.

Q On the track between Leaside and West Toronto just standing there with no one to move it, that does not add to the hazard either?

A No, because we leave box cars on the main line unattended in yard limits but they are protected with red lights.

Q You do that?

A Yes.

Q I want to turn from that, Mr. Alver, to Exhibit 80 in some more detail.

THE CHAIRMAN: I suppose you will be some time at this, will you?

MR. LEWIS: Yes.

THE CHAIRMAN: Hardly worth while, Mr. Lewis.

MR. LEWIS: Right, sir.

THE CHAIRMAN: We will adjourn.

--- The Commission adjourned at 3.55 p.m. until 10.30 a.m., Wednesday, March 27, 1957.

